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No. 124—Part II

## Senate

### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

AMENDMENTS NOS. 1548, 1552, AS FURTHER MODIFIED, 1569, 1603, AS MODIFIED, 1612, AS MODIFIED, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, EN BLOC

Mr. SPECTER. Mr. President, I send a series of cleared amendments to the desk and ask unanimous consent that they be agreed to en bloc, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendments are considered and agreed to en bloc.

The amendments are as follows:

#### AMENDMENT NO. 1548

(Purpose: To provide for the establishment of summer health career introductory programs for middle and high school students)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the success of the health care system is dependent on qualified personnel;

(2) hospitals and health facilities across the United States have been deeply impacted by declines among nurses, pharmacists, radiology and laboratory technicians, and other workers;

(3) the health care workforce shortage is not a short term problem and such workforce shortages can be expected for many years; and

(4) most States are looking for ways to address such shortages.

(b) GRANTS.—The Secretary of Health and Human Services, acting through the Bureau of Health Professions of the Health Resources and Services Administration, may award not to exceed 5 grants for the establishment of summer health career introductory programs for middle and high school students.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b) an entity shall—

(1) be an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) prepare and submit to the Secretary of Health and Human Services an application

at such time, in such manner, and containing such information as the Secretary may require.

(d) DURATION.—The term of a grant under subsection (b) shall not exceed 4 years.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2004 through 2007.

#### AMENDMENT NO. 1552

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ . In addition to any amounts otherwise appropriated under this Act for programs and activities under the Nurse Reinvestment Act (Public Law 107-205) and for other nursing workforce development programs under title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.), there are appropriated an additional \$50,000,000 for such programs and activities.

#### AMENDMENT NO. 1569

(Purpose: To provide for a report concerning how Federal funds are expended relating to Hansen's Disease)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Not later than May 1, 2004, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services expends Federal funds for research, patient care, and other activities relating to Hansen's Disease. The report shall include—

(1) the amounts provided for each research project;

(2) the amounts provided to each of the 12 treatment centers for each of research, patient care, and other activities;

(3) the per patient expenditure of patient care funds at each of the 12 treatment centers; and

(4) the mortality rates at each of the 12 treatment centers.

#### AMENDMENT NO. 1603

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there may be appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$4,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(2) up to \$1,000,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(3) up to \$500,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(4) up to an additional \$3,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(5) up to an additional \$500,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);

(6) up to an additional \$1,000,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and

#### AMENDMENT NO. 1612

In the matter under the heading "TRAINING AND EMPLOYMENT SERVICES" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" in title I, add at the end the following:

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998, \$25,000,000 may be used to carry out activities described in section 132(a)(2)(B) of that Act (relating to dislocated worker employment and training activities and other activities for dislocated workers).

#### AMENDMENT NO. 1623

(Purpose: To increase funding for activities to prevent the mother-to-child transmission of HIV)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ . (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional \$60,000,000 to carry out such activities and \$1,000,000 for non-mother-to-child activities.

(b) REDUCTION IN AMOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, shall be reduced on a pro rata basis by \$61,000,000.

#### AMENDMENT NO. 1624

At the end of title III, insert the following:

SEC. \_\_\_\_ . For activities authorized by part H of title I of the Elementary and Secondary Education Act, there are hereby appropriated up to \$5,000,000, which may be used to carry out such activities.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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## AMENDMENT NO. 1625

(Purpose: To provide for the conduct of studies concerning the program established under the Mammography Quality Standards Act of 1992)

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ STUDIES CONCERNING MAMMOGRAPHY STANDARDS.**

(a) **STUDY BY GAO.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the “MQSA”) to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) **REPORT.**—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) **STUDY BY THE INSTITUTE OF MEDICINE.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians’ interpretations of mammograms, including approaches that could be taken under the MQSA without negatively impacting access to quality mammography.

(B) What changes could be made in the MQSA to improve mammography quality, including additional regulatory requirements that would improve quality, as well as the reduction or modification of regulatory requirements that do not contribute to quality mammography, or are no longer necessary to ensure quality mammography. Such reduction or modification of regulatory requirements and improvements in the efficiency of the program are important to help eliminate disincentives to enter or remain in the field of mammography.

(C) Ways, including incentives, to ensure that sufficient numbers of adequately trained personnel at all levels are recruited and retained to provide quality mammography services.

(D)(i) How data currently collected under the MQSA could be used to improve the qual-

ity, interpretation of, and access to mammography.

(ii) Identification of new data points that could be collected to aid in the monitoring and assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) **REPORT.**—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) **FUNDING.**—Of the amounts appropriated under this title to the Office of the Secretary of Health and Human Services for general departmental management, \$500,000 shall be made available to carry out the study under this subsection.

## AMENDMENT NO. 1626

(Purpose: To provide funds for the conduct of a grant program to strengthen local capacity on Native American reservations to screen for and treat sexually transmitted diseases)

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ (a) FINDINGS.**—The Senate finds that—

(1) Native American populations have seen an alarming increase in sexually transmitted disease prevalence in recent years; and

(2) a screening, treatment, and education program, administered by tribal health organizations or local health care providers, on Native American reservations with high rates of sexually transmitted diseases will help prevent a corresponding increase in the prevalence of HIV.

(b) **GRANT PROGRAM.**—From amounts appropriated under this title for the Centers for Disease Control and Prevention, there may be made available up to \$1,000,000 to enable the Director of the Centers for Disease Control and Prevention to carry out competitive grant program to strengthen local capacity on Native American reservations to screen for and treat sexually transmitted diseases and to educate local populations about such diseases, the consequences thereof, and how the transmission of such diseases can be prevented.

## AMENDMENT NO. 1627

(Purpose: To provide funding for newborn and child screening for heritable disorders)

On page 61, between lines 14 and 15, insert the following:

**SEC. \_\_\_\_** In addition to any amounts otherwise appropriated under this Act for the support of the improved newborn and child screening for heritable disorders program authorized under section 1109 of the Public Health Service Act (42 U.S.C. 300b-8), there may be appropriated up to an additional \$2,000,000 to carry out such program.

## AMENDMENT NO. 1628

(Purpose: To provide funding for the mass layoff statistics program)

On page 18, line 14, strike “\$440,113,000” and insert “\$445,113,000”.

On page 18, line 17, insert before the period the following: “, of which \$5,000,000 may be

used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2)”.

## AMENDMENT NO. 1629

(Purpose: To increase funding for the Special Volunteers for Homeland Security program)

At the appropriate place in title V, insert the following:

**SEC. \_\_\_\_** In addition to any amounts otherwise appropriated under this Act for the Special Volunteers for Homeland Security program, there may be appropriated an additional \$5,000,000 for such program.

## AMENDMENT NO. 1630

(Purpose: To provide protection for nationals and residents of the Islamic Republic of Iran who are targets of persecution)

On page 57, between lines 14 and 15, insert the following:

“(C) in subsection (b)(1)—

“(i) in subparagraph (A), by striking ‘and’ at the end;

“(ii) in subparagraph (B), by striking the period and inserting ‘; and’; and

“(iii) by adding at the end the following:

“(C) one or more categories of aliens who are or were nationals and residents of the Islamic Republic of Iran who, as members of a religious minority in Iran, share common characteristics that identify them as targets of persecution in that state on account of race, religion, nationality, membership in a particular social group, or political opinion.”; and”.

## AMENDMENT NO. 1631

(Purpose: To authorize funding for the Daniel Patrick Moynihan Global Affairs Institute Act)

At the appropriate place, insert the following:

**DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE**

**SEC. \_\_\_\_ (a) DEFINITIONS.**—In this section:

(1) **ENDOWMENT FUND.**—The term “endowment fund” means a fund established by the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York, for the purpose of generating income for the support of the School and other purposes as described in subsection (d).

(2) **SCHOOL.**—The term “School” means the Maxwell School of Citizenship and Public Affairs of the Syracuse University in Syracuse, New York.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(4) **UNIVERSITY.**—The term “University” means the Syracuse University in Syracuse, New York.

(b) **DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE.**—

(1) **REDESIGNATION.**—To be eligible for a grant under subsection (c), the University shall designate the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University as the “Daniel Patrick Moynihan Global Affairs Institute”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, paper, or other record to the global affairs institute within the Maxwell School of Citizenship and Public Affairs of the University, shall be deemed to be a reference to the Daniel Patrick Moynihan Global Affairs Institute.

(c) **GRANT FOR ENDOWMENT FUND.**—From amounts appropriated under subsection (f), the Secretary may award a grant to the University for the establishment of an endowment fund to support the Daniel Patrick Moynihan Global Affairs Institute.

(d) **DUTIES.**—Amounts received under a grant under subsection (c), shall be used to—

(1) carry on the public and intellectual tradition of Senator Daniel Patrick Moynihan;

(2) sustain all of the core activities of the School;

(3) fund the residencies of visiting scholars and international leaders;

(4) support scholarship, training, and practice in countries that are often the most impoverished economically, institutionally, and civically;

(5) support partnerships with governments and other relevant entities around the world to train government officials both at the School and in their home countries; and

(6) expand the facilities of the School.

(e) MISCELLANEOUS PROVISIONS RELATING TO THE ENDOWMENT FUND.—

(1) MANAGEMENT.—The endowment fund established under subsection (c) shall be managed in accordance with the standard endowment policies established by the University.

(2) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned from the endowment fund may be used to carry out the duties under subsection (d).

(3) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds derived from the interest and other investment income earned from the endowment fund shall be available for expenditure by the University for purposes consistent with subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 to remain available until expended.

#### AMENDMENT NO. 1632

(Purpose: To require the Centers for Disease Control and Prevention to prepare a comprehensive plan to address blood safety and injection safety in Africa under the Global AIDS Program)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. Not later than 120 days after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall prepare a plan to comprehensively address blood safety and injection safety in Africa under the Global AIDS Program.

#### AMENDMENT NO. 1633

(Purpose: To require the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Education to report to Congress on acquisitions made by each Department of articles, materials, or supplies manufactured outside the United States)

On page 20, line 19, strike the period at the end and insert “: *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Labor, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Labor during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Labor that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Labor shall make the report publicly available by posting the report on an Internet website.

On page 49, line 21, strike the period and insert “: *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of Health and Human Services, not later than 60 days after the last day

of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Health and Human Services during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Health and Human Services that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Health and Human Services shall make the report publicly available by posting the report on an Internet website.”.

On page 74, line 4, strike “Washington, D.C.” and insert “Washington, D.C.: *Provided*, That of this amount, sufficient funds shall be available for the Secretary of Education, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of Education during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of Education that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of Education shall make the report publicly available by posting the report on an Internet website.”.

#### AMENDMENT NO. 1634

(Purpose: To provide for the accurate and timely processing of medicare claims)

On page 41, insert the following before the period on line 9: “: *Provided further*, that to the extent Medicare claims processing unit costs are projected by the Centers for Medicare & Medicaid Services to exceed \$0.87 for Part A claims and/or \$0.65 for Part B claims, up to an additional \$18,000,000 may be available for obligation for every \$0.04 increase in Medicare claims processing unit costs from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds. The calculation of projected unit costs shall be derived in the same manner in which the estimated unit costs were calculated for the Federal budget estimate for the fiscal year.”.

#### AMENDMENT NO. 1635

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. In addition to any amounts otherwise appropriated under this Act to carry out activities under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), there are appropriated—

(1) up to an additional \$143,000 may be used to carry out activities under title I of such Act (child abuse State grants);

(2) up to an additional \$212,000 may be used to carry out activities under title II of such Act (community-based resource centers); and

(3) up to an additional \$2,100,000 may be used for child abuse discretionary grants under such Act.

#### AMENDMENT NO. 1636

(Purpose: To provide additional funding to the Office of Minority Health to conduct a demonstration project to reduce SIDS disparity rates)

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. (a) FINDINGS.—The Senate finds that—

(1) a recent Aberdeen Area Indian Health Service infant mortality study identified protective and risk factors associated with Sudden Infant Death Syndrome (referred to in this section as “SIDS”);

(2) several conclusions from the study suggest courses of action to reduce the incidence of SIDS among Native American and other high-incidence populations;

(3) the study noted that alcohol consumption by women of childbearing age (especially during pregnancy), maternal and environmental tobacco exposure during pregnancy, and pregnancy by women under the age of 20 increase the risk for SIDS;

(4) in 2000, for infants of African American mothers, the SIDS death rate was 2.4 times that for non-Hispanic white mothers;

(5) nationwide, SIDS rates for infants of Native American mothers were 2.6 times those of non-Hispanic white mothers; and

(6) the Office of Minority Health of the Department of Health and Human Services has the expertise to coordinate SIDS disparity reduction efforts across the Department of Health and Human Services.

(b) INCREASE IN FUNDING.—In addition to any amounts otherwise appropriated in this Act to carry out activities to reduce Sudden Infant Death Syndrome disparity rates, there may be appropriated up to an additional \$2,000,000 to enable the Director of the Office of Minority Health of the Department of Health and Human Services to carry out a demonstration project, in coordination with the Administrator of the Health Resources and Services Administration, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, and the heads of other agencies within the Department of Health and Human Services (as appropriate), to reduce Sudden Infant Death Syndrome disparity rates, and to provide risk reduction education to African American and Native American populations in the United States, including efforts to reduce alcohol use by pregnant women, support for smoking cessation (maternal and secondhand) programs, and education of teenagers on the risk factors for Sudden Infant Death Syndrome associated with teenage pregnancy within African American and Native American communities.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that in carrying out the demonstration project under subsection (b), the Director of the Office of Minority Health is encouraged to—

(1) expand upon the similar pilot program for Native Americans that was funded by the Office of Minority Health; and

(2) coordinate with the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Director of the Indian Health Services, the Administrator of the Center for Medicare & Medicaid Services, and the heads of other agencies within the Department of Health and Human Services (as appropriate) to support activities to reduce alcohol use by pregnant women, support smoking cessation (maternal and secondhand), and educate teenagers on the risk factors for SIDS associated

with teenage pregnancy within the African American and Native American communities.

## AMENDMENT NO. 1637

(Purpose: To provide funds for programs on community automatic external defibrillators)

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) AUTOMATIC EXTERNAL DEFIBRILLATORS.—There may be appropriated up to, \$2,000,000 to fund programs on community automatic external defibrillators under section 312 of the Public Health Service Act (42 U.S.C. 244).

## AMENDMENT NO. 1638

(Purpose: To require the Department of Labor to cease the implementation of closing procedures for the Department of Labor Employment and Training Administration regional office in New York City, New York, and the Employment and Training Administration affiliate offices in Seattle, Washington, Kansas City, Missouri, and Denver, Colorado until September 30, 2004)

At the end of title I, insert the following: SEC. \_\_\_\_ The Department of Labor may cease the implementation of closing procedures for the Department of Labor Employment and Training Administration regional office in New York City, New York, and the Employment and Training Administration affiliate offices in Seattle, Washington, Kansas City, Missouri, and Denver, Colorado until September 30, 2004.

## AMENDMENT NO. 1639

(Purpose: To provide additional funding for the purchase of automatic external defibrillators and the training of individuals in cardiac life support in rural areas)

On page 61, between lines 14 and 15 insert the following:

SEC. \_\_\_\_ From the amounts appropriated under the heading OFFICE OF THE SECRETARY, GENERAL DEPARTMENTAL MANAGEMENT there may be made available an additional \$2,000,000 to the Health Resources and Services Administration for the purchase of automatic external defibrillators and the training of individuals in cardiac life support in rural areas.

## AMENDMENT NO. 1640

(Purpose: To allow continued funding of the Council on Graduate Medical Education)

On page 61, between lines 14 and 15, insert the following:

“SEC. \_\_\_\_ Notwithstanding any other provisions of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by Section 301 of Public Law 102-408.

## AMENDMENT NO. 1641

(Purpose: To re-allocate funds within the CDC construction account and other purposes)

On page 28, line 6, strike “\$250,000,000” and insert “\$260,000,000” in lieu thereof. On page 28, line 5, insert after “; and” the following: “purchase,”

## AMENDMENT NO. 1642

(Purpose: To provide funding for the rural emergency medical service training and equipment assistance program)

On page 27, line 2, insert before the period the following: “: Provided further, That up to \$15,000,000 may be made available to carry out the rural emergency medical service training and equipment assistance program under section 330J of the Public Health Service Act (42 U.S.C. 254c-15)”.

## AMENDMENT NO. 1643

(Purpose: To provide an additional offset for increased spending)

At the appropriate place in Section 515(a): Increase the amount by \$37,455,000.

## AMENDMENT NO. 1644

(Purpose: To provide for the issuance of rules relating to Personal Dust Monitor prototypes)

On page 23, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ (a) FINDINGS.—Congress finds that—

(1) it is projected that the Department of Labor, in conjunction with labor, industry, and the National Institute for Occupational Safety and Health, will be undertaking several months of testing on Personal Dust Monitor production prototypes; and

(2) the testing of Personal Dust Monitor prototypes is set to begin (by late May or early June of 2004) following the scheduled delivery of the Personal Dust Monitors in May 2004.

(b) RE-PROPOSAL OF RULE.—Following the successful demonstration of Personal Dust Monitor technology, and if the Secretary of Labor makes a determination that Personal Dust Monitors can be effectively applied in a regulatory scheme, the Secretary of Labor shall re-propose a rule on respirable coal dust which incorporates the use of Personal Dust Monitors, and, if such rule is re-proposed, the Secretary shall comply with the regular procedures applicable to Federal rulemaking.

## AMENDMENT TO NO. 1603, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I rise, as a cosponsor, to express my support for the amendment offered by my distinguished colleague from Nevada, Mr. REID, to provide funding for a number of programs critical to Hispanic children around the Nation. Clearly, the programs identified in this amendment are vital to improving educational outcomes for Hispanic students.

As a nation we have made a commitment to leave no child behind. Yet, too often, the needs of Hispanic children are overlooked, and Hispanic children are left behind. The U.S. Census Bureau recently indicated that Hispanics are the largest minority group in the country. The fact is, however, they often are among the most educationally disadvantaged students in the country. Hispanic students are less likely to complete high school and to enroll in or graduate from college.

The amendment before us will help to address these issues in several ways. It includes \$85 million for title III language instruction. Under this program, State and local schools implement programs that help limited English-proficient students learn English and keep up with their schoolwork. The Senate mark actually cuts this program from last year's level of \$685 million. This is unacceptable. For Hispanic serving institutions, the Senate bill provides a small but inadequate increase above last year's level. This amendment includes \$6.4 million in urgently needed funds for HSIs, which continue to receive significantly less Federal funding per student than other degree-granting institutions.

My colleague's amendment also includes \$4.6 million for migrant edu-

cation, which was level funded in the committee mark, and \$1 million for the College Assistance Migrant Program, which the committee cut from last year's level. These programs help to identify migrant students, provide health services, and provide counseling and other assistance for migrants who have dropped out of high school. In addition, the amendment includes \$11 million for the High School Equivalency Program, \$12.8 million for Local Family Information Centers, and \$69 million for Head Start Migrant and Seasonal Programs.

I commend the Senator from Nevada for offering this amendment, and urge my colleagues to support it. This is an investment in our Nation's future. The academic achievement gap between Latino students and the remaining student population is a national disgrace. I am informed that approximately one-third of new workers are Latino. Let us work together to invest in these youth, for the benefit of the Latino community and for the benefit of our Nation.

Mr. BINGAMAN. Mr. President, I rise today to urge my fellow Senators to support this very important amendment. This amendment would invest an additional \$190 million in our Nation's future, by strengthening seven programs: The High School Equivalency Program, HEP; The College Assistance Migrant Program, CAMP; migrant education; local family information centers; bilingual education; Hispanic serving institutions, HSIs; and Head Start for children of migrant workers.

If we do not pass this amendment, funding for the High School Equivalency Program will be cut by 43 percent. This program provides academic instruction, counseling, computer assisted teaching, career awareness to migrant students studying for the GED, as well as assistance with college admissions and job placement.

If this amendment is not passed, 23 program slots will be eliminated due to the lack of funding. Currently, these 23 slots are filled by some of the oldest and best performing projects in the HEP program, some of which have been providing services for 30 years. As a whole, 73 percent of their students received GEDs, and no less than three of the programs have had consecutive years of 100 percent of their students receiving their GEDs. All of these programs are up for renewal as well as competition for these slots with other programs.

One of the 23 programs that faces elimination is in my own State of New Mexico at the Northern New Mexico Community College. Other States in which programs are at risk of not being renewed due to the lack of funding include Pennsylvania, Texas, Idaho, Mississippi, Colorado, Florida, Oregon, Tennessee, Washington, Wisconsin and California.

A second program whose funding has been cut is the College Assistance Migrant Program or CAMP. CAMP recruits talented migrant high school

graduates and GED recipients, who aspire to a postsecondary education but lack adequate resources. CAMP assists students in their first year of college with personal and academic counseling, mentoring, and stipends.

Before the Federal Government created CAMP programs, there was no record of a migrant child having completed college. Since their inception, both HEP and CAMP have achieved stunning success rates. For the projects that received 5-year grants in 1999, 72 percent of the HEP participants have received their GEDs while over 80 percent of the CAMP students have successfully completed their first year of college. Over the history of the program, nearly three-quarters of all CAMP students received baccalaureate degrees.

The existing 102 HEP and CAMP programs serve approximately 15,000 students in 25 States and Puerto Rico. Many areas of the country have no access to the programs at all. Based on the Department of Education's estimate, of the over 750,000 school-aged migrant children, over the next 5 years there will be over 170,000 migrant children who will become dropouts and eligible for HEP services. CAMP programs will have approximately 140,000 students who will qualify for services. The need for services far outstrips the programs' current resources.

The title I Migrant Education Program was established to provide a compensatory education program designed to deal with the difficulties encountered by children of migrant workers as a consequence of their mobility. Some of these children attend three or four schools in a single school year. They have a need for coordination of educational services among the States and local districts where they live, often for a short time. The MEP builds the support structures for migrant students so that they can achieve high levels of success both in and outside of school.

The U.S. Department of Education reports that more than 750,000 students were identified as eligible for the program in fiscal year 2001. Additional funds are needed to ensure that these children are able to meet the challenges mandated by the No Child Left Behind Act. This amendment will provide an additional \$4,587,000 in needed funding.

The Local Family Information Centers was authorized under the No Child Left Behind Act to provide parents of title I students, including English language learners, with information about their children's schools so that they can help their children to meet the high standards we have set under NCLB. The Local Family Information Centers also help parents to hold their local and state school officials accountable and become more involved in their children's education. This amendment would increase funding by \$12.8 million.

This amendment would increase funding to State and local education

agencies in order to ensure that as many of the 4.6 million children with limited English skills as possible learn English, develop high levels of academic attainment, and meet the same challenging State academic standards as all children.

Title III is a formula grant program that distributes funding to all 50 States based on the number of limited English proficient, LEP, and recent immigrant students. The funds are used for developing effective language acquisition programs; training for bilingual/ESL teachers and regular teachers and educational personnel; parent involvement; and providing services for recently arrived immigrant students. This amendment would restore the \$20.5 million cut in the current legislation and increase funds by an additional \$64.5 million.

Currently, 35 percent of Hispanics are under the age of 18. The Educational Testing Service has projected the U.S. higher education system will grow by 3.5 million additional students by 2015 and that nearly 40 percent of these new students will be Hispanic. HSIs serve the largest concentrations of the Nation's youngest and largest ethnic population. HSIs, by definition, have a full-time student enrollment that is at least 25 percent Hispanic; further, at least one-half of their entire student enrollment is low-income. The impending emergence of more than 100 new HSIs, mostly in California, Texas, Florida, New Mexico, Illinois, in the next few years and the rapid growth of the Hispanic college-age population underscore the urgency for immediate, major, and sustained increases in title V funding.

At a time when the current labor force is reaching retirement age in substantial numbers, Hispanics already represent one of every three new workers joining the U.S. labor force, according to the U.S. Bureau of Labor Statistics. By 2025, the Bureau projects that one of two new workers joining the U.S. labor force will be Hispanic. This amendment would provide an additional \$6.4 million in assistance to these great institutions.

Migrant and Seasonal Head Start, MSHS, programs serve nearly 32,000 migrant children and nearly 2,500 seasonal children annually, operating in 38 States in every region of the country. Migrant and Seasonal Head Start programs were the first Head Start programs to serve infants and toddlers. today, two-thirds of the children in the program are infants and toddlers.

Migrant and Seasonal Head Start was a response to the needs of migrant families. In most States, local childcare resources are not available when migrants come into a community, especially for infants and toddlers. When resources are not available, parents have no choice but to take the children to the fields where they are exposed to pesticides, hazardous equipment, extreme heat and other health dangers. This program is ever growing and so

greater resources are needed to provide these essential services. This amendment requests an additional \$69 million for Migrant and Seasonal Head Start.

We must do everything we can to provide every child with the best education we can. I urge my fellow Senators to support these greatly needed programs by providing them with the proper resources.

Mrs. CLINTON. Mr. President, I rise today in support of the Reid Hispanic educational opportunities amendment.

My Democratic colleagues and I have held roundtables with Hispanic leaders across the Nation and members of the Congressional Hispanic Caucus that have allowed us to share ideas and develop an agenda that addresses the issues that matter most to the Hispanic community.

We know how important education is to Hispanics and will continue to ensure that it remains a top priority for the Democratic caucus.

Unfortunately, the Senate Appropriations Committee-approved bill eliminated or significantly underfunded programs with a clear record of improving educational opportunities for Hispanic children. Unless we restore and expand these funds, millions of Hispanic students will be denied the opportunity to achieve the American dream.

The fact is, Latino children are among the most educationally disadvantaged students in our Nation. They have the highest dropout rate in the entire country, the lowest college attendance rates, the lowest college graduation rates, and are more likely to attend underfunded schools in low-income areas.

Hispanic children make up 17 percent of the total school age population in the country and recent trends indicate that the number of Latino children attending our Nation's schools is increasing.

This amendment would help ensure that millions of Latino children get the quality education they need and deserve. It would restore and expand funds to programs with a proven record of improving achievement among Latinos.

New York's schools serve a large and growing number of Latino students and the rate of enrollment for limited English proficient students has grown by 44 percent since 1990.

Resources provided under title III of the NCLB help school districts in my State provide English language instruction to over 300,000 limited English proficient children and nearly 120,000 immigrant children. Yet this appropriations bill cuts title III of the NCLB by \$20 million.

Restoring this funding will help States, local schools, and colleges build their capacity to teach limited English proficient students effectively.

This appropriations bill also provides inadequate funding to serve the children of migrant and seasonal farmworkers. Often called "children of the

road," these children face many obstacles in their lives, including extreme poverty, geographic and cultural isolation, discrimination based on race or ethnic status, language minority status, and, most important, mobility.

Currently, only 664 of 1,177 eligible migrant children are being served in migrant and seasonal Head Start centers across New York.

This amendment will take an additional 150 migrant children in New York out of the fields where they are put at risk of exposure to harmful toxins and pesticides and into quality head start classrooms where they can receive the social, behavioral, and cognitive skills they need to help prepare them for school.

As they continue on their journey through the education pipeline, programs like the High School Equivalency Program, HEP, and College Assistance Migrant Program, CMP, help these students beat the odds.

The HEP and CAMP programs are both very important to New York as well as other states in the Northeast. The HEP program helps migrant students who have dropped out of high school get their GED, and CAMP assists migrant students in their first year of college with both counseling and stipends.

At the State University of New York at Oneonta, Luis Gonzalez, a New Yorker and former HEP and CAMP student will be entering as a sophomore. Luis' experience as a migrant youth is shared by countless other children of migrant and seasonal farm workers.

For Luis, it resulted in a pattern of repeating grades until he quit school to work with his father in the vineyards of Western New York. A year later, he learned about HEP and earned his GED. He then applied to college and was admitted as a freshman to SUNY last year. As a CAMP student, Luis received vital academic, social, and financial support during his first year of college, the most critical year for most first-generation college students. Luis now mentors other HEP students, is a member of the AmeriCorps program and has maintained a cumulative GPA of 3.04.

Securing additional resources for HEP and CAMP will help ensure the dreams of students like Luis become reality.

Many Hispanic students like Luis choose to move on to Hispanic serving institutions, HSIs. These schools, including New York's 12 HSIs, serve a large and growing number of Hispanic students. By supporting these institutions we are recognizing the large contribution they make to increasing access to higher education.

Failure to increase funding for these programs will not only hurt individual Hispanic children. Unless we provide Latino children today with the education they need to learn the skills necessary for a wide range of jobs, we risk having a shortage of qualified workers in the future.

We need a highly skilled workforce to compete in this global economy and investing in the education and training of our Hispanic population will help our Nation meet this challenge.

I strongly urge my colleagues to support the Hispanic educational opportunities amendment.

Mrs. MURRAY. Mr. President, I am proud to cosponsor the Hispanic educational opportunities amendment which will help address the challenges facing Hispanic students from coast to coast.

I thank Senator REID and Senator BINGAMAN for offering this amendment, and today I want to highlight how this bill will help so many people in our communities.

Just last month in Washington State, I saw once again how important education is to our entire state and especially to the Hispanic community.

On August 11, I had the opportunity to hold a day-long summit of Hispanic leaders in Yakima, WA. The turnout was overwhelming.

In one room, we brought together Hispanic elected officials from across the State, along with public and private-sector leaders, on a host of issues.

Congressman CIRO RODRIGUEZ, the chairman of our Congressional Hispanic Caucus, served as a cohost, and shared his national perspective on the issues.

We had also had international leaders, including Peruvian Consul Miguel Velasquez and Mexican Consul Jorge Madrazo.

I am especially proud that we had more than a dozen panelists who shared their expertise and led our discussion.

I publicly thank each of our panelists for their time not only at the summit, but for dedicating their lives to helping the community. Many of them had to overcome significant barriers in their own lives, and today they are working to knock down barriers for all Hispanics. Their participation that day was just one example of the leadership they show every day of the year.

Mr. President, I ask unanimous consent to print the names of the panelists in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### EDUCATION PANELISTS

Miguel Puente, CAMP Director at Heritage College, Toppenish; Ricardo Sanchez, LEAP Director, Seattle; Armondo Mungia, student at Eastern Washington University, Cheney; and Elizabeth Padilla Flynn, Pasco School District.

#### ECONOMIC DEVELOPMENT PANELISTS

Luz Bazan Gutierrez, President & CEO, Rural Community Development Resources, Yakima; Veronica Yzquierdo, Executive Director, Pasco Downtown Development Association; Jesse Farias, Employment and Security, Wapato; and Gilberto Alaniz, State Director, Opportunities Industrialization Center.

#### CIVIL RIGHTS PANELISTS

Lupe Gamboa, United Farm Workers; Roberto Maestas, El Centro de La Raza, Se-

attle; Polo Aguilar, Grupo Mexico, Yakima; and Kevin Diaz, Attorney, Columbia Legal Services.

#### HEALTHCARE PANELISTS

Teresa Mosqueda, Sea Mar Representative, Public Health, Seattle; Kimberley Klint, Ph.D., Director of Mason Maters; Vickie Ybarra, Director Planning and Development, Yakima Farm Workers Clinic; Marisela Guzman, ConneX student, Toppenish; and Jesus Hernandez, Lead Access Coordinator/Program Manager, Community Choice, Wenatchee.

Mrs. MURRAY. I thank each of them for their leadership, and today I am on the Senate floor supporting this amendment to help carry out the agenda we discussed at the summit.

I can tell you that even though we covered a host of topics, including economic development, civil rights and healthcare, the No. 1 topic people talked about was education.

I was astounded to listen as leaders in the community, elected school board members, and city council members told me that when they were growing up, very few people, if any, looked at them and said: "You know, you can be a success. You can pass first grade." Or that, "You can go on to college, and you can become something in this country."

If we adopt this amendment, we will tell a generation of young students: We need you. We need you to be the next generation of engineers. We need you to be the next generation of teachers. We need you to be the next generation of C.E.O.s.

Today we are missing out on an entire young population, and what they can give back to this country someday in leadership, in economics, in paying taxes, and in being successful members of the community.

This amendment will help knock down the barriers facing Hispanic students, and we must adopt it.

Perhaps the most disturbing thing is that the underlying Labor-HHS bill we are debating cuts funding for critical Hispanic programs.

That is why we need this amendment to stop those cuts and provide funding for critical services like extra help with preschool, English language acquisition, tutoring, mentoring, and financial aid.

I want to highlight how this amendment will help in areas like Headstart, migrant education, and language skills.

One program that I have seen bring help—and hope—to families for decades is Head Start. This amendment will expand access to Head Start programs for migrant and seasonal working families.

Migrant and seasonal farmworkers work hard every day so that you and I can put affordable food on our tables. It is a good deal for us, but most of those families earn less than \$10,000 a year. Many of their children pay a price beyond poverty.

When families don't have access to child care, they are forced to take their children into the fields with them, exposing them to equipment and other hazards.

Migrant and Seasonal Head Start programs meet the needs of these families, keeping their children safe while preparing them for school.

Nationwide, 60 percent of children are being served by Head Start, but for migrant children, it is just 19 percent and for children of seasonal workers, it is just 2 percent. That is unacceptable.

This amendment will boost the funding so we give more children of migrant and seasonal workers a place in Head Start so they can start school ready to learn.

This amendment does more than just increase funding to serve more children. It also makes sure that vulnerable children are not cut off from the help they are counting on.

The President's budget request slashed funding for the High School Equivalency Program, HEP, by 43 percent.

The appropriations bill before the Senate implements the President's cut, with a \$10 million cut to HEP. It also cuts funding for the College Assistance Migrant Program, CAMP, by \$400,000.

The funding cuts in the HEP program would eliminate the 23 oldest and best performing projects in the program, two of which are in Washington State.

I have met with the leaders of HEP and CAMP programs in Washington state. They are doing critical work at Heritage College and Washington State University HEP programs.

HEP provides education and counseling services to migrant students who have dropped out of high school so they can pass the GED examination.

Some of the 23 projects that could be closed down have been providing services for 30 years.

As a whole, 73 percent of their students received GEDs, an amazing success rate for a population of students who have already dropped out of school.

The CAMP program is also critical. It recruits talented migrant high school and GED graduates, who want to go on to college, but don't have the resources. These programs introduce parents and students to campus during the summer before their freshman year. It helps those students in their first year of college with personal and academic counseling, mentoring, and stipends.

Before we created CAMP programs, there was no record of a migrant child having completed college.

Since then, nearly three-quarters of all CAMP students have graduated with baccalaureate degrees. Without HEP and CAMP, access to college would be out of reach for the vast majority of migrant students.

The funding levels in this bill ignore the amazing successes we have had through HEP and CAMP.

Because migrant children move around, they don't have a local school, a school district, or even a State that is responsible for their education. We need to keep this safety net at the Federal level.

Currently, funding for the 102 HEP and CAMP projects can serve only 15,000 students, a small fraction of those who desperately need help. The Department of Education has estimated there are now over 750,000 school-aged migrant children.

Since migrant children have the highest dropout rate in the Nation, with nearly 60 percent failing to complete high school, that means that over the next 5 years, 170,000 of these children will drop out of school and be eligible for HEP services.

Over the next 5 years, 140,000 students will become eligible for CAMP services.

It makes no sense for this bill to take away funding when so many students need help.

Another area where our country cannot afford to make the cuts in this appropriations bill is in the English Language Acquisition program. This bill cuts the program by \$20 million. That is unacceptable.

This amendment would restore that funding.

It will also increase support for limited English proficient, LEP, students to \$750 million.

The number of LEP students has almost doubled over the past decade. It has increased at nearly eight times the rate of total student enrollment. The teachers who are serving those students could use more preparation to teach students with limited English proficiency.

This amendment will help provide title III dollars so that these teachers can receive ongoing professional development.

The Reid-Bingaman amendment will help students overcome barriers at almost every level of school.

Congress has a proud tradition of ensuring that our most disadvantaged kids get a shot at the American dream. It is what we did when we passed title I of the Elementary and Secondary Education Act. It is what we did when we created Head Start. And it is what we did when we started giving out Pell Grants.

We need to carry on that tradition today, not out of charity, but because we recognize that these children are our bridge to a successful future.

I urge my colleagues to vote for this amendment and give Hispanic students in Washington State and around the country a change at the American dream and a better life.

AMENDMENT NO. 1629

Mr. MCCAIN. Mr. President, I rise today with my friend from Indiana to offer an amendment to the fiscal year 2004 Labor-HHS Appropriations Act. I would like to thank Senator SPECTER and Senator HARKIN for their support for this amendment.

I usually come down to the Senate floor to criticize the amount of unrequested spending in appropriations bills. Not often do I propose an increase in spending for a specific program. However, today, I feel obligated to

offer an amendment to increase the level of funding for the Special Volunteers for Homeland Security program with the Corporation for National and Community Service. I am requesting that we raise our level of funding by \$5 million, to bring the total level of funding to \$10 million, which is what the program was funded at last year. The administration requested a total of \$15 million for this program this year. We are simply proposing to restore one half of the additional money the President requested. This issue is of enough importance to the administration as it was included in their Statement of Administrative Policy.

The amendment Senator BAYH and I propose restores important money to the Special Volunteers for Homeland Security program, a critical component on national service. This amendment increases the funding for this program by \$5 million to be more in line with the amount requested in the President's 2004 Budget.

We live in a time of heightened security where terror alerts have become an unfortunate reality. It is sobering to realize that the chances are strong that we will face another terrorist attack in the future. In addition to devoting considerable resources to fighting terror at home and abroad, we need to devote significant resources to preparing our domestic response to any future attack. We would be failing in our responsibilities if we do not adequately prepare for the next attack. The realities of the world in which we live today, require us to educate and prepare the public about terrorism and disasters. These volunteers are an extremely effective way to achieve our mission. We need to be fully funding these programs.

For a number of years, Senator BAYH and I have been working together to increase opportunities for service in the United States. We have introduced legislation, the Call to Service Act, in the last two Congresses that would increase volunteer opportunities with AmeriCorps. We have also worked together successfully to create a short-term enlistment program for our military. One of the fundamental aspects to any expansion of service opportunities must be to increase the number of volunteers in homeland security projects. Our legislation specifically calls for more volunteers to perform homeland security function. Service programs such as the one in this amendment provide an important resource in preparing our Nation to respond to a range of emergencies by providing people who can serve in important capacities such as fighting forest fires, disaster relief, and working in hospital emergency rooms.

I would like to share some examples of the works these volunteers do in the various states and country. Currently, there are 17 programs that received money during the second year of this program. The grantees are a diverse group and are spread across the country from Alaska to Florida. Important



groups such as Volunteer Florida, the American Red Cross of Greater New York and the Housing Authority of the City of Milwaukee are all grantees under this program.

In the first year of the program, 350 volunteers with the Municipality of Anchorage, Alaska were able to deliver training to help homebound seniors and help 4,500 disabled residents of Anchorage prepare to respond to a disaster.

In Oklahoma, volunteers with the city of Tulsa developed a citywide volunteer disaster mobilization plan. Volunteers helped to educate the general public by distributing a family preparedness guide provided with information how to prepare for disasters. The volunteers convened meetings that included information on bioterrorism response by local health departments and established safe and secure teams throughout the community to serve as trained resources.

I could go on at length about the good things these programs accomplish.

Increasing the Special Volunteers for Homeland Security program is consistent with our overall need to increase opportunities for Americans to serve their country. We need to increase spending for funding for all volunteer programs. Internationally, increasing programs such as the Peace Corps are important in spreading American ideals and values. Domestically, programs such as AmeriCorps need to be expanded to provide services and assistance to those in need. Any expansion of AmeriCorps and domestic volunteer opportunities would be an excellent opportunity to increase volunteer positions in the area of homeland security.

Once again, I thank my colleagues from Pennsylvania and Iowa for their work on this important piece of legislation. I look forward to continuing my work with Senator BAYH and the rest of my colleagues in the Senate to increase national service opportunities.

AMENDMENT NO. 1644

Mr. BYRD. Mr. President, it was 35 years ago, at 5:30 a.m. on November 20, 1968, that a gas and dust explosion occurred at Consul No. 9 coal mine near Farmington WV. The force of the explosion rippled through the west side of the mine, igniting mine fires and additional explosions, blocking exits and shutting down escape routes. Large amounts of smoke, varying in color from black, gray, white, and yellow exhausted from the air shafts, with major explosions shooting flames over 100 feet into the air. After 10 days, the search and rescue operation was halted and the air shafts were sealed to put out the underground fires. Of the 99 miners underground at the time of the blast, the explosion took the lives of 78 coal miners, 19 of whom are still entombed underground.

In response, the Congress passed the most comprehensive mine health and safety legislation to date—the 1969

Mine Act. The anguish caused by the Farmington disaster was expressed in the statement of findings and purpose of that legislation:

... the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner.

In addition to a comprehensive safety enforcement regime, the 1969 Mine Act mandated limits on the coal dust levels to which miners could be exposed. The Congress' goal was to protect miners from Coal Workers' Pneumoconiosis, or Black Lung—a disease that results from coal dust particles accumulating in the lungs, scarring the tissue. It is a progressive, terminal disease that is irreversible.

It is not known how many miners died from black lung disease prior to 1969, but since that time, even with the stricter standards mandated by Congress, over 106,000 miners have been diagnosed with the disease, with the Federal Government receiving 5,000 new claims for black lung benefits each year.

Last March, the Mine Safety and Health Administration proposed new rules to implement the 1969 Mine Act with regard to coal dust levels, and the outcry in opposition to those rules was almost deafening. Newspapers from The Courier-Journal and Lexington Herald of Kentucky, to The Charleston Gazette of West Virginia have described these rules as

impractical . . . ill-advised . . . [an] assault on workers' health and safety . . . a campaign that would bring back black lung.

Rallies have been organized in Pennsylvania and West Virginia—all in opposition to what experts describe as a roll back in the protections mandated by Congress in 1969 to prevent black lung.

These are seriously flawed rules that would undercut long-running efforts to improve the working conditions of our nation's miners. Under the proposed rules, the levels of coal mine dust permitted in the mine environment reportedly would increase well beyond what was mandated in the 1969 Mine Act. That is a giant leap backward in the nation's work to protect the health of miners.

And these proposed rules constitute only one in a series of proposals by the Mine Safety and Health Administration that are serving to erode the trust of miners in the one agency of the Federal Government charged with protecting their health and safety.

Last January, an air shaft explosion killed three workers at the McElroy Mine in Cameron, WV. Later it was determined that MSHA had failed to properly inspect that mine. One news journal reported that, according to MSHA records, between December 2001 and January 2003, when the McElroy mine should have had six surface inspections, it had been inspected only once—just once.

While this administration touts a low coal mine fatality rate as proof of

MSHA's effectiveness, it ignores a series of accidents and near-fatalities that have occurred since last year in Kentucky, Illinois, Pennsylvania, and West Virginia. Last year's QueCreek accident alone endangered 18 miners, and, had it swung the other way, which it easily could have, the rate of recorded fatalities would have increased.

This year's fatality rate continues to move higher, with 10 fatalities recorded in the last 3 months in Virginia, Kentucky, Indiana, Alabama, Pennsylvania, and West Virginia. And now MSHA has proposed a rule to scale back protections against black lung.

In doing so, MSHA is undermining its own credibility. Contrary to past years, miners now view MSHA as an extension of an administration that does not understand the dangers which coal miners must confront every day. That is the only way to explain how MSHA can support a coal enforcement budget that clearly does not provide MSHA with the resources it needs to properly inspect our nation's mines. That is the only way to explain why MSHA would propose a rule that rolls back miner protections against black lung.

And to make matters worse, the media reports that a conflict of interest may have existed when those rules were developed and proposed earlier this year. The Charleston Gazette reported last May that MSHA Secretary David Lauriski, on several occasions, petitioned MSHA to make the same change in its rules that he is now advocating when he was a lobbyist for Energy West. The Inspector General of the Labor Department has already been asked to investigate this conflict of interest.

At the very least, there is something highly questionable about how these rules were developed and what effect they will have on the miners of our states. The Congress has a responsibility to our nation's coal miners to seek certain assurances from the Federal regulators before these rules are put into place. We have a duty to our constituents to ensure that rule changes such as these are implemented appropriately.

I had intended to offer an amendment to prevent the implementation of the dust rules proposed by MSHA, until the Congress could be sure of their consequences. After discussing this matter with Senator SPECTER, the National Mining Association, and the United Mine Workers, I have decided not to offer that amendment for the time being.

Instead, I will support the amendment offered by Senator SPECTER, which would require the Labor Secretary to report a new rule that incorporates the use of real-time dust monitors, assuming that those monitors are tested successfully in the coming months.

However, it is important that the Mine Safety and Health Administration understand that this language is



binding. It must issue a new rule if the personal dust monitoring devices prove successful. And I hope that they understand that the miners of our States and their representatives in the Congress will be watching, and that we will continue to oppose any effort to circumvent the 1969 Mine Act with regard to dust levels.

I urge Senators to take this opportunity to improve the credibility of the Mine Safety and Health Administration. I urge Senators to recall the findings of the Congress that were contained in the 1969 Mine Act:

The first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner.

Mr. KENNEDY. It is a privilege to join Senator BYRD and Senator SPECTER on this amendment to increase health and safety protections for the Nation's coal miners.

Coal mining is difficult and dangerous work. Miners daily face the risk of mine collapse, mine fires, and the debilitating illness called black lung disease. Each year, over 4,000 coal miners lose time at work because of injuries on the job. We all remember the near-tragedy last summer at Quecreek Mine in Pennsylvania, when nine miners were trapped underground for 3 days. Miraculously, they were rescued but many other miners are not so fortunate.

Congress passed the Federal Mine Safety and Health Act in 1969 to protect miners from these hazards. One of the most critical parts of the Mine Safety Act is its requirement that mine operators reduce and control the level of dust that miners inhale during their shifts.

Since then, we have made great progress in reducing the number of cases of black lung, but this battle is far from over. Over 100,000 former miners and their dependents are receiving Federal benefits today because they or their family members have had black lung. Each year, more than 1,000 workers die from the disease—and hundreds of new cases of black lung are reported each year.

This amendment deals with MSHA's proposed regulations on dust levels and dust monitoring. Many of us are deeply troubled by the administration's proposal. The proposed regulation reduces the protections of the Mine Safety Act. It would allow coal mine operators to raise dust levels up to four times the amount now permitted by the act. It would also reduce the number of samples taken in mines to measure coal dust exposure.

It makes no sense to roll back the current protections. Instead of increasing the number of inspections and tightening the dust standard, the administration's regulation would allow coal mines to raise the amount of dust miners are exposed to. The new regulation directly contradicts the recommendations of the National Institute for Occupational Safety and

Health, under which the permitted level of coal dust would be cut in half.

Senator BYRD and Senator SPECTER have proposed this amendment to require MSHA to consider incorporating the new Personal Dust Monitor technology, once testing is completed. This amendment is supported by both the coal mining industry and by the United Mineworkers.

These Personal Dust Monitors have been developed in conjunction with labor and industry. They would be worn by individual miners at all times and could measure more accurately than any existing technology how much coal dust each miner is exposed to.

MSHA itself has acknowledged the role of Dust Monitors in miner safety. It has extended the current rulemaking period in order to include comments based upon Dust Monitor testing. This amendment would go one step further, by requiring MSHA to consider repropose the rule to incorporate Personal Dust Monitors as part of the required safeguards in the Nation's mines.

Incorporating these technological advances into the rules on coal dust monitoring is a very important step. The Nation's miners risk their lives every day to provide critical domestic sources of energy, and we need to do all we can to protect their lives and health.

I strongly urge my colleagues to support this amendment to use all available technologies to protect the Nation's hard-working coal miners.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 1645

Mr. HARKIN. Mr. President, I ask the indulgence of the Senate for a brief statement I am going to make.

As we all know, Senator Paul Wellstone, his wife Sheila, and his daughter Marcia, three staff members, and two pilots perished in a tragic plane accident nearly a year ago near Eveleth, MN. The Senate lost an honest, passionate public servant, and we all lost a friend.

Senator Wellstone's life was a testament to his compassion and commitment to serve the less advantaged. He was a tireless advocate for people in need. That was never more true than when he began working with children with Duchenne muscular dystrophy and their families.

In 2001, Senator Wellstone introduced the Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2001 to intensify Federal investment in Duchenne and other forms of muscular dystrophy. The MD CARE Act asked the Director of the National Institutes of Health to create centers of excellence to conduct basic and clinical research into Duchenne and other muscular dystrophies. That bill was signed into law in December of 2001. About a year later, Senator Wellstone was tragically killed.

While we cannot replace the colleague and friend who served with us in

this Chamber, we can commemorate his work on behalf of Jacob Gunvalson and others who inspired the late Senator to see this law enacted. In September of this year, the National Institutes of Health will announce the first grantees of its newly created Muscular Dystrophy Cooperative Research Centers Program.

In addition, three NIH institutes—the National Institute of Arthritis and Musculoskeletal Diseases, the National Institute of Neurological Disorders and Stroke, and the National Institute of Child Health and Human Development—also set aside \$1 million in the MDCRC program as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers."

I have an amendment that would rename the NIH Muscular Dystrophy Cooperative Research Center program in honor of the late Senator Paul D. Wellstone of Minnesota. I will not read all of it. In part, it says that the designation of the NIH Muscular Dystrophy Cooperative Research Centers program shall be known and designated as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers" in honor of Paul D. Wellstone, who was deceased on October 25, 2002. There is no cost involved.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1645.

Mr. HARKIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To rename the NIH Muscular Dystrophy Cooperative Research Center (MDCRC) program in honor of the late Senator Paul D. Wellstone of Minnesota)

Add at the appropriate place:

**SECTION 1. DESIGNATION OF SENATOR PAUL D. WELLSTONE NIH MDCRC PROGRAM**

(a) FINDINGS.—Congress finds the following:

(1) On December 18, 2001, Public Law 107-84, otherwise known as the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001, or the MD CARE Act, was signed into law to provide for research and education with respect to various forms of muscular dystrophy, including Dechenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and EmeryDreifuss muscular dystrophies.

(2) In response to the MD CARE Act of 2001, in September 2002, NIH announced its intention to direct \$22.5 million over five years to its newly created Muscular Dystrophy Cooperative Research Centers (MDCRC) program.

(3) Senator Paul D. Wellstone was a driving force behind enactment of the MD CARE Act, which led to the establishment of the MDCRC program.

(b) DESIGNATION.—The NIH Muscular Dystrophy Cooperative Research Centers (MDCRC) program shall be known and designated as the "Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers," in honor of Senator Paul D. Wellstone who was deceased on October 25, 2002.

(c) REFERENCES.—Any reference in a law, regulation, document.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Iowa for what he has done. I am delighted to join him in sponsoring the amendment to name the Muscular Dystrophy Operative Research Center after Senator Wellstone. Senator Wellstone attended many of our appropriations subcommittee hearings on neurological disorders and was a tireless advocate for medical research regarding the cause of muscular dystrophy. He was the original sponsor of the Muscular Dystrophy Care Act of 2001. This was the first disease-specific piece of legislation in the 107th Congress, the first major piece of health care legislation signed by President George Bush, and the first piece of legislation to ever address a very lethal childhood disorder.

Just a few weeks before he died, Senator Wellstone visited a little boy named Jacob who was afflicted with muscular dystrophy. He and Jacob made some television ads, which sadly didn't air because of Senator Wellstone's tragic death. Senator Wellstone made a difference in the lives of thousands of children afflicted with this deadly disease. He leaves a legacy of unprecedented Federal commitment to muscular dystrophy research and development. I have no doubt that someday soon we will win the fight against muscular dystrophy because of Paul Wellstone's work.

Mr. President, I yield to my distinguished colleague from Pennsylvania, Senator SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. REID. Will the Senator withhold?

Mr. SANTORUM. I will be happy to withhold.

The PRESIDING OFFICER. Is there further debate on amendment No. 1645? If not, the question is on agreeing to the amendment.

The amendment (No. 1645) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### AMENDMENT NO. 1623

Mr. SANTORUM. Mr. President, earlier today, I offered an amendment to increase the amount of money in the Aid for Africa Program to the number that met the authorization level this Senate passed just a couple months ago. It was an additional \$350 million which would be needed to do the \$2 billion in bilateral aid to which we committed, plus the \$400 million we would need to match roughly \$700 million-plus that has now been put forward by other countries for the Global Fund.

This bill is, in combination with the foreign operations bill, \$350 million short for what I believe is the most important health crisis facing the world and one I would argue is, as far as dollars spent, going to save more lives and improve the quality of life for more

people than probably any other single dollar item we are doing in this bill.

I believe this is the highest priority. That is why I was willing to offer an amendment to fund this program fully and to do so with an across-the-board cut. Having seen the success of an across-the-board cut in a previous amendment, I have not been necessarily encouraged by my colleagues to continue this effort.

I thank the Senator from Pennsylvania, my colleague, in sharpening his pencil to come up with enough money to at least meet the President's request on his program, which is an additional \$61 million. It is an amendment Senator DEWINE offered earlier for mother-to-child transmission and for non-mother-to-child transmission.

Senator DEWINE has been doing some great work, along, I understand now, with Senator DURBIN, to come up with this money.

In exchange for the acceptance of that amendment by the managers, I am going to withhold my amendment. I yield to the Senator from Ohio to explain what his amendment does.

Mr. DEWINE. I thank my colleague from Pennsylvania. I also thank my other colleague from Pennsylvania, the chairman of the committee, for his good work on this bill and for his willingness to work with us on this very important issue.

I know the hour is late, Mr. President. I am just going to take literally 2 minutes to explain this amendment. I will offer the amendment and then I believe the amendment will be accepted.

This amendment is very simple. What it does is it will restore the money to this bill the President has requested this Congress to provide for a program that literally will save tens of thousands, maybe hundreds of thousands, of lives of innocent children. We have the ability today to see a pregnant mother who is HIV positive and to provide her with the care and the drugs to ensure she will not give birth to a child who is HIV positive.

The statistics are very simple and the facts are very simple. If a woman today is pregnant and is HIV positive, the odds are—the percentage is about 30 percent—she will give birth to a child who is HIV positive. In sub-Saharan Africa or in Haiti or in Guyana, there are programs today that will reduce those odds from 30 percent down to 5 or 10 percent for as little as \$3 to \$4 per woman. That is not per day. That is per woman per child. It is almost a miracle.

My colleague in the Chair and other Members of the Senate who just came back from a trip, led by Majority Leader BILL FRIST, to Africa saw these programs in place. They work. What this extra \$60 million will do is to help ensure there will be tens of thousands of more children who will be born HIV negative.

I thank my chairman for allowing this money to come into the bill.

I call up my amendment on behalf of Senator SANTORUM and Senator DURBIN, who went to bat, as he has many times in the past, for children and those who are HIV positive and who might be HIV positive. I thank Senator DURBIN and Senator SANTORUM. I now call up my amendment No. 1623.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. SANTORUM, and Mr. DURBIN, proposes an amendment numbered 1623 to amendment No. 1542.

Mr. DEWINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for activities to prevent the mother-to-child transmission of HIV)

On page 61, between lines 14 and 15, insert the following:

SEC. \_\_\_\_ (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional \$60,000,000 to carry out such activities and \$1,000,000 for non-mother-to-child activities.

(b) REDUCTION IN AMOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, shall be reduced on a pro rata basis by \$61,000,000.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I congratulate the Senator from Ohio for his outstanding work. I congratulate my colleague from Pennsylvania for his contribution. The Senator from Ohio only talked to me about this amendment about 79 times during the course of the last 2 days. To say that he was persistent would be a vast understatement.

We are prepared to accept this \$61 million for the global AIDS for the CDC, of which \$60 million is for the mother-to-child transmission prevention initiative and \$1 million is for other global AIDS activities. This offset will be made from the administrative costs of the Departments of Labor, Health and Human Services, and Education.

During the course of the debate, we have had a great many AIDS amendments offered, and we wish we could have accepted more of them. But this particular one is very precisely targeted. I know the Senator from Ohio just came back from Africa and feels very deeply about this issue.

We are pleased to accept this amendment, with our compliments to the Senator from Ohio, Mr. DEWINE, the Senator from Pennsylvania, Mr. SANTORUM, and the Senator from Illinois, Mr. DURBIN.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Iowa.

Mr. HARKIN. Mr. President, I have no objection to this amendment. In fact, I am supportive of it. I want to make it clear for the record that the offset on this amendment is not an across-the-board cut. It comes only from the administrative account of the—is it all the Departments, the Departments of Labor, Health and Human Services, and Education—or is it just from the Department of Health and Human Services? I am a little unclear as to from what administrative account it is taken. I want it clear for the record. I just want to get an answer to my question as to which administrative account the offset is taken.

Mr. DEWINE. The Senator is correct, it is not an across-the-board cut.

Mr. HARKIN. I understand it is not an across-the-board cut. Is it from the administrative account of all three Departments or only Health and Human Services?

Mr. SPECTER. It is from all three.

Mr. DEWINE. I can check the exact language of the amendment. Departments of Labor, Health and Human Services, and Education.

Mr. HARKIN. Pardon?

Mr. DEWINE. Labor, Health and Human Services, and Education.

Mr. HARKIN. So it comes from all three accounts. Again, I just wanted to make that clear for the record, that it is not from one account; it is all three, and it is not an across-the-board cut.

With that, there is certainly no objection to this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, have we adopted the DeWine amendment?

The PRESIDING OFFICER. We have not. Is there further debate?

Mr. SPECTER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1623.

The amendment (No. 1623) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I now call up amendment 1542.

The PRESIDING OFFICER. The substitute is pending and one amendment is pending to the substitute.

#### AMENDMENT NO. 1561 WITHDRAWN

Mr. SPECTER. Mr. President, I withdraw the pending amendment, DeWine.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is withdrawn. The Senator from Pennsylvania.

#### AMENDMENT NO. 1542

Mr. SPECTER. Mr. President, I now call up amendment No. 1542.

The PRESIDING OFFICER. The amendment is pending.

Mr. SPECTER. This amendment is to strike all after the enacting clause and insert the following, which is the text of the amendments.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1542, as amended.

The amendment (No. 1542), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

#### CLOSE UP FOUNDATION FELLOWSHIPS

Ms. LANDRIEU. Mr. President, it is almost like the change of season around the Capitol when young people from all over the country descend on the Capitol to learn about their Government. We all meet with groups of these students from our State. We take photos, we answer questions. But if you take the time to look at the badges the students and teachers are wearing, more likely than not, they will say Close Up.

Like thousands of young people around this Nation, I got my first real taste of our Federal Government from a trip sponsored by the Close Up Foundation. Since 1972, more than 26,000 students from my State have learned about their Government through the auspices of this organization. Close Up has awarded some \$3.7 million in fellowships for students in need and their teachers to encourage the broadest base of possible participation. Furthermore, this program was started by a legendary member of this body, who also hailed from Louisiana—Allen Ellender.

Moreover, there has never been a greater need than now for young people to understand what our Democracy is all about. As we face enormous challenges at home and abroad, the better understanding our young people have about their Government, the brighter our future will be.

Sadly, Mr. President, the Close Up Foundation, which has enjoyed the support of the Senate for several decades, did not receive any resources in this bill. They are seeking funding of \$1.4 million, an amount equal to last year's level. I would ask my friend, the Senior Senator from Pennsylvania, and chairman of the Labor, Health and Human Services Subcommittee, if he is aware of the precarious situation of this program, and if he would be willing to work with me to find additional resources during the conference process.

Mr. SPECTER. Mr. President, I thank the junior Senator from Louisiana for bringing this important issue to the subcommittee's attention. I believe that Close Up makes a vital contribution to civic education, and would not want to see the program fail. I say to my friend from Louisiana, that I will be pleased to work with her during conference to see if we can find the necessary funding to meet Close Up's needs.

Mr. HARKIN. I thank my good friend and colleague from Louisiana for bringing up this important issue. I know my partner in this process, Senator SPECTER, worked hard to fund many priorities within a tight alloca-

tion. I look forward to working with him on this and other important programs in conference.

#### PEDIATRIC GRADUATE MEDICAL EDUCATION

Mr. DEWINE. Mr. President, I thank my colleague, Senator SPECTER, for all of the work he has put into drafting and shepherding the Fiscal Year 2004 Labor-Health and Human Services-Education appropriations bill. His leadership and his efforts should be commended.

Last week, I offered an amendment in support of our Nation's children's hospitals. My amendment would equalize the funding that children's hospitals receive compared to adult hospitals. Specifically, the amendment would provide an additional \$15 million to fund the pediatric Graduate Medical Education program at \$305 million. These monies are used by children's hospitals across the country to hire and retain residents who are interested in pediatric research and in becoming pediatricians.

I ask my colleague, the Senior Senator from Pennsylvania, if he supports our Nation's children's hospitals and the Graduate Medical Education program?

Mr. SPECTER. I thank my colleague, Senator DEWINE. I strongly support our Nation's children's hospitals and the pediatric Graduate Medical Education program.

Mr. DEWINE. Children's hospitals train almost 30 percent of all pediatricians and half of all pediatric specialists. They also provide more than 40 percent of the hospital care in this country for children needing cardiac surgery, children suffering with cancer, and children with cerebral palsy.

Mr. HARKIN. I agree with my colleague about the valuable role of children's hospitals in providing pediatric care and research.

Mr. DEWINE. The House included \$305 million in its Fiscal Year 2004 Labor-Health and Human Services-Education bill. I have agreed to withdraw my amendment, but I urge the senior Senator from Pennsylvania to continue working to provide in conference the most funding possible for the Graduate Medical Education program.

Mr. SPECTER. I will do all that I can to see to it that the GME program is funded at the highest level possible in conference.

Mr. HARKIN. I concur with the chairman, and will strongly support the GME program.

#### CENTERS FOR CHILDREN'S ENVIRONMENTAL HEALTH AND DISEASE PREVENTION RESEARCH

Mr. SPECTER. I am glad to join Senator HARKIN in confirming our intent that funding in the Labor-HHS appropriations bill be used in part to continue funding 12 Centers for Children's Environmental Health and Disease Prevention Research. These centers were established through a joint initiative of the Environmental Protection Agency and the National Institute of Environmental Health Sciences, and combine a new, unique, multidisciplinary

approach to researching, identifying, treating, and ultimately preventing health risks posed to children by environmental hazards in the communities in which they live, play and attend school. As you know, we do not earmark NIH.

I ask Senator CLINTON, how much does NIEHS provide in funding for the centers?

Mrs. CLINTON. NIEHS has provided \$750,000 per center, for a total of \$9 million per year to provide for direct and overhead costs that the centers incur. I hope that EPA will also continue to hold up its end of the funding to continue funding 12 centers. I thank Senators SPECTER and HARKIN for their continued support of the centers, which are directly in line with our shared goal of addressing environmental factors that may cause or contribute to childhood illnesses such as asthma, or that can interfere in the proper growth and development of our Nation's children.

Mr. HARKIN. I am glad to join my colleagues in support of the important work that the Centers for Children's Environmental Health and Disease Prevention Research perform. The research and outreach that these centers initiate is unparalleled. The centers have not only begun important studies into the potential impact of our environment on children's health, but have also cultivated invaluable relationships with their surrounding communities. Continued funding for these 12 centers will allow high-quality research involving local communities in a collaborative process to continue and result in the most effective translation of research into methods of prevention.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES CHARGE TO CONDUCT BASIC BEHAVIORAL RESEARCH

Mr. INOUE. Will the chairman of the subcommittee yield for a question?

Mr. SPECTER. I will be pleased to yield for a question from the Senator from Hawaii.

Mr. INOUE. First, I would like to compliment the chairman and the ranking member, Senator HARKIN, for their leadership in developing an excellent bill for consideration by the Senate. As a member of the Labor, Health and Human Services and Education Subcommittee for many years I understand the challenge faced by the subcommittee each year in developing a bill that adequately funds all the outstanding programs in the jurisdiction of this subcommittee. The chairman and the ranking member have done an admirable job and they set a fine example of working in a bipartisan manner to meet the health, education and workforces priorities of the Nation. I would also compliment the dedicated staff who support this effort. We would not have such good bills for the Nation without their counsel and hard work.

Mr. Chairman, I come to the floor today to highlight one NIH-related matter that despite our best efforts remains largely unresolved. This year

again the Committee's report urges the National Institute of General Medical Sciences to fund basic behavioral research. The Committee report states the following:

Behavioral Research.—The Committee believes that NIGMS has a scientific mandate to support basic behavioral research because of the clear relevance of fundamental behavioral factors to a variety of diseases and health conditions. The Committee encourages the NIGMS to incorporate basic behavioral research as part of its portfolio, especially in the areas of cognition, behavioral neuroscience, behavioral genetics, psychophysiology, methodology and evaluation, and experimental psychology.

This is excellent language. The Committee has had similar language in fiscal years 1999, 2000, 2001, 2002 and 2003, but little has yet been done to implement the Committee's recommendation.

Mr. President, I ask unanimous consent that the Committee's NIGMS report language from fiscal years 1999, 2000, 2001, 2002 and 2003 be printed in the RECORD at the conclusion of our remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INOUE. Mr. President, I also ask unanimous consent that the NIGMS statute, which states in Public Law that one of the purposes of NIGMS is to conduct and support behavioral research, be printed in the RECORD at the conclusion of our remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. INOUE. Would the chairman and ranking member join me in helping ensure that the NIH complies with the wishes of the subcommittee on this matter?

Mr. SPECTER. Mr. President, I thank my esteemed colleague, the Senator from Hawaii, for bringing this matter to our attention and I look forward to working with him and the NIH to resolve this matter. This subcommittee has successfully doubled the NIH budget over the last 5 years. Thus this speaks to this subcommittee's commitment to all types of scientific health research, including behavioral health.

Basic behavioral research is essential if we are to successfully address the many public health issues plaguing our Nation. Since September 11, 2001, the psychological and physiological effects of terrorism and stress became real to all Americans across this great Nation. It is imperative that we, as a nation, better understand the psychological effects of sustained stress and the role of the behavioral health sciences in the prevention and treatment of the leading causes or morbidity and mortality. The leading causes of death and chronic illness are related to high risk behaviors such as: unintentional injuries and violence, tobacco use, alcohol and drug use, dietary behaviors, sexual behaviors, and inactivity. I am committed to working with you and Sen-

ator HARKIN to help ensure that NIH understands the wishes of this Subcommittee.

Mr. HARKIN. Will the Chairman yield for a comment?

Mr. SPECTER. I yield to my distinguished colleague and ranking member of this subcommittee, the distinguished Senator from Iowa.

Mr. HARKIN. I thank the Senator. Mr. President, I echo the sentiments of the Senator from Hawaii and the chairman of this subcommittee. The significance of behavioral health research has never been as important as it is now. The interrelationship between behavioral health research and the health of the people of this Nation is clear. I stand behind with our Chairman, the Senator from Pennsylvania, and the Senator from Hawaii to work with NIH to address the requests of this subcommittee.

#### EXHIBIT 1

SENATE REPORT—LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS  
NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

#### *Fiscal year 1999 (S. Rept. 105-300)*

Behavioral science research and training.—The Committee encourages NIGMS to support basic research training as part of its mandate to support basic research training in all areas of health-related research.

#### *Fiscal year 2000 (S. Rept. 106-166)*

Behavioral science research and training.—The Committee is concerned that NIGMS does not support behavioral science research or training. As the only national institute specifically mandated to support research not targeted to specific diseases or disorders, there is a range of basic behavioral research and training that NIGMS could be supporting. The Committee urges NIGMS, in consultation with the Office of Behavioral and Social Sciences, to behavioral science research community and other national institutes and offices, to identify basic behavioral science research and training priorities and to develop a plan for implementing those priorities. (p. 134-5)

#### *Fiscal year 2001 (S. Rept. 106-293)*

Behavioral science research and training.—The Committee is concerned that NIGMS does not support behavioral science research training. As the only Institute mandated to support research not targeted to specific diseases or disorders, there is a range of basic behavioral research and training that NIGMS could be supporting. The Committee urges NIGMS, in consultation with the Office of Behavioral and Social Sciences, to develop a plan for pursuing the most promising research topics in this area.

#### *Fiscal year 2002 (S. Rept. 107-84)*

Behavioral science research and training.—The Committee is concerned that NIGMS does not support behavioral science research training. As the only Institute mandated to support research not targeted to specific diseases or disorders, there is a range of basic behavioral research and training that NIGMS could be supporting. The Committee urges NIGMS, in consultation with the Office of Behavioral and Social Sciences, to develop a plan for pursuing the most promising research topics in this area.

#### *Fiscal year 2003 (S. Rept. 107-216)*

Behavioral science research and training.—As the NIH institute most concerned with basic research, the NIGMS has provided leadership in basic research on physiological and

biological structures and functions that may play roles in numerous health conditions. The Committee encourages the NIGMS to develop collaborations with other Institutes, such as the NCI and the NIMH, and the Office of Behavioral and Social Sciences Research to fund basic research to integrate physiological knowledge of pre-disease pathways with behavioral studies.

## EXHIBIT 2

Public Law 87-838—Oct. 17, 1962

AN ACT To amend the Public Health Service Act to provide for the establishment of an Institute of Child Health and Human Development, to extend for three additional years the authorization for grants for the construction of facilities for research in the sciences related to health, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART E—INSTITUTES OF CHILD HEALTH AND HUMAN DEVELOPMENT AND OF GENERAL MEDICAL SCIENCES

"ESTABLISHMENT OF INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

"SEC. 441. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and training relating to maternal health, child health, and human development, including research and training in the special health problems and requirements of mothers and children and in the basic sciences relating to the processes of human growth and development, including prenatal development.

"ESTABLISHMENT OF INSTITUTE OF GENERAL MEDICAL SCIENCES

"SEC. 442. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and research training in the general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other institutes, or are outside the general area of responsibility of any other institute, established under or by this Act.

"ESTABLISHMENT OF ADVISORY COUNCILS

"SEC. 443. (a) The Surgeon General is authorized, with the approval of the Secretary, to establish an advisory council to advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities of the institute established under section 441. He may also, with such approval, establish such a council with respect to the activities of the institute established under section 442.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to any council established under this section, except that, in lieu of the requirements in such sections that six of the members be outstanding in the study, diagnosis, or treatment of a disease or diseases, six of such members shall be selected from leading medical or scientific authorities who are outstanding in the field of research or training with respect to which the council is being established, and except that the Surgeon General, with the approval of the Secretary, may include on any such council established under this section such additional ex officio members as he deems necessary in the light of the functions of the institute with respect to which it is established.

"(c) Upon appointment of any such council, it shall assume all or such part as the Surgeon General may, with the approval of the Secretary, specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Surgeon General may specify (with such approval) of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

## "FUNCTIONS

"SEC. 444. The Surgeon General shall, through an institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research which is a function of such institute, except that the Surgeon General shall, with the approval of the Secretary, determine the areas in which and the extent to which he will carry out such purposes of section 301 through such institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Surgeon General is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the institute established under section 441 and elsewhere in matters relating to diagnosis, prevention, and treatment of a disease or diseases or in other aspects of maternal health, child health, and human development, with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions.

## "PRESERVATION OF EXISTING AUTHORITY

"SEC. 445. Nothing in this part shall be construed as affecting the authority of the Secretary under section 2 of the Act of April 9, 1912 (42 U.S.C. 192), or title V of the Social Security Act (42 U.S.C., ch. 7, subch. V), or as affecting the authority of the Surgeon General to utilize institutes established under other provisions of this Act for research or training activities relating to maternal health, child health, and human development or to the general medical sciences and related sciences."

SEC. 2. Section 301(d) of the Public Health Service Act is amended by striking out the words "research projects" wherever they appear therein and inserting in lieu thereof "research or research training projects".

SEC. 3. Title II of the Public Health Service Act is amended by adding after section 221 the following new section:

## "ADVISORY COMMITTEES

"SEC. 222. (a) The Surgeon General may, without regard to the civil service laws, and subject to the Secretary's approval in such cases as the Secretary may prescribe, from time to time appoint such advisory committees (in addition to those authorized to be established under other provisions of law), for such periods of time, as he deems desirable for the purpose of advising him in connection with any of his functions.

"(b) Members of any advisory committee appointed under this section who are not regular full-time employees of the United States shall, while attending meetings or conferences of such committee or otherwise engaged in business of such committee receive compensation and allowances as provided in section 208(c) for members of national advisory councils established under this Act.

"(c) Upon appointment of any such committee, the Surgeon General, with the ap-

proval of the Secretary, may transfer such of the functions of the National Advisory Health Council relating to grants-in-aid for research or training projects in the areas or fields with which such committee is concerned as he determines to be appropriate."

SEC. 4. (a) Section 704 of the Public Health Service Act is amended by striking out "six" and inserting in lieu thereof "nine".

(b) Section 705(a) of such Act is amended by striking out "1962" and inserting in lieu thereof "1965".

Approved October 17, 1962.

Public Law 87-839—Oct. 18, 1962

AN ACT To amend the Merchant Marine Act, 1936, to develop American flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title II of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.), is amended by adding immediately after section 212(A) thereof (46 U.S.C. 1122a) the following new section:

"SEC. 212. (B) (a) The Secretary of Commerce shall encourage and promote the development and use of mobile trade fairs which are designed to show and sell the products of United States business and agriculture at foreign ports and at other commercial centers throughout the world where the operator or operators of the mobile trade fairs exclusively use United States flag vessels and aircraft in the transportation of their exhibits.

"(b) The Secretary of Commerce is authorized to provide to the operator or operators of such mobile trade fairs technical assistance and support as well as financial assistance for the purpose of defray certain expenses incurred abroad, when the Secretary determines that such operations provide an economical and effective means of promoting export sales.

"(c) There is authorized to be appropriated not to exceed \$500,000 per fiscal year for each of the three fiscal years during the period beginning July 1, 1962, and ending June 30, 1965. In addition to such appropriated sums, the President shall make maximum use of foreign currencies owned by or owed to the United States to carry out the purposes of this section.

"(d) The Secretary of Commerce shall submit annually to the Congress a report on his activities under this Act."

SEC. 2. Section 104(m) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by inserting immediately before ", and (B)" the following: "or section 212(B) of the Merchant Marine Act, 1936".

Approved October 18, 1962.

## FUNDING FOR UNACCOMPANIED ALIEN CHILDREN

Mrs. FEINSTEIN. Mr. President, I wish to inquire of my friend, the distinguished chairman of the Labor, HHS Appropriations Subcommittee, about the nature of funding in this measure for the care and treatment of unaccompanied alien children.

As my friend knows, in the Homeland Security Act of 2002, Congress transferred responsibility for the care and treatment of unaccompanied alien children from the former Immigration and Naturalization Service (INS) to the Department of Health and Human Services Office of Refugee Resettlement (ORR), effective March 1 of this year. Fiscal year 2004 will be the first full year during which ORR will be responsible for this important function, and

it is critical for ORR to have adequate funding to exercise its new responsibilities.

Mr. SPECTER. I commend my friend from California for her tireless dedication to ensuring the protection of unaccompanied alien children. Indeed, it was her efforts last year that brought about the transfer of responsibility for these vulnerable children to ORR. I am pleased to have been a supporter of those efforts.

As the Senator knows, the President requested \$34.227 million for unaccompanied alien children for fiscal year 2004. The allocation levels the subcommittee received for fiscal year 2004 were so low, the committee had to reduce the overall funding for ORR beneath the President's request. Nonetheless, the committee recommended the full \$34.227 million for fiscal year 2004 for unaccompanied alien children that the President requested.

Mrs. FEINSTEIN. I thank the Senator. It is important to note that in making its initial request for fiscal year 2004, the administration acknowledged that it was a preliminary estimate based on less-than-complete information. Since the administration made its initial budget request last January, it has become evident that ORR will need more funds in order to fulfill its unaccompanied alien child responsibilities.

In talking with experts who work with these children as well as with administration officials, it has become evident that this important program will need at least \$20 million in additional funding to order to operate effectively in fiscal year 2004.

As the Senate knows, I was prepared to offer an amendment to this bill that would appropriate the additional \$20 million for these programs, bringing the total appropriation for unaccompanied alien children for fiscal year 2004 to \$54,227,000. This anticipated that the additional \$20 million being appropriated for these functions would be derived from unused refugee and entrant funds from prior fiscal years. These funds have gone unused because of the unfortunate shortfalls that have occurred in refugee admissions during the last several fiscal years.

In the interest of time and in deference to the delicate balance that the committee was forced to achieve in putting together this bill, I will not offer this amendment at this time. However, I ask the chairman for some assurance that he will work with House conferees to secure a minimum of \$54.227 million for these functions in conference.

Mr. SPECTER. I thank my friend from California for withholding from offering her amendment. The Senator is correct that the program would benefit greatly from an additional \$20 million, and I am dedicated to helping secure that funding before the end of this process.

As the Senator knows, the House mark for Refugee and Entrant Assist-

ance was \$33.797 million higher than the Senate was able to recommend. Should the conferees reach agreement on overall ORR funding that is closer to the Senate mark than the House mark, I will work with my colleagues in the Senate and the House to achieve an appropriation for unaccompanied alien children along the lines of the amendment that you have so graciously agreed to withdraw.

Mr. HARKIN. As ranking member of the subcommittee I agree with my friend from Pennsylvania and will work to ensure that the funding the senior Senator of California is requesting for the Office of Refugee Resettlement will be reflected in the final conference agreement.

Mrs. FEINSTEIN. I thank my friend from Pennsylvania, the distinguished chairman, for that assurance. He has been an important ally in our efforts to reform the treatment of unaccompanied alien children. I also commend my friend from Iowa for his tireless efforts on behalf of all children throughout his career in the Senate, and I thank him for his support for this effort. I look forward to working closely with both of my colleagues to ensure that adequate funding is appropriated to carry out the mandate that Congress created in the Homeland Security Act of 2002.

#### COMMUNITY ACCESS PROGRAM

Mrs. MURRAY. Mr. President, I've come to the floor today to discuss my disappointment that the chairman's mark zeros out funding for the Community Access Program, a community-based program that seeks to coordinate health care of the uninsured and underserved.

This development is especially disappointing because less than 8 months ago, the Senate overwhelmingly adopted my amendment to provide full funding for the CAP program in the FY 2003 Omnibus Appropriations bill.

Since early 2001, the current administration has targeted this program for elimination. It is difficult to understand why the President's budget eliminate a program that seeks to get care for the uninsured at a time when the ranks of the uninsured continue to grow. As more and more families lost their insurance coverage, programs like CAP will become even more important.

The CAP program helps increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay.

The program supports community-based groups that coordinate care for the uninsured. CAP has been very successful, and it enjoys broad bipartisan support. The CAP program was authorized in October 2002 as part of the Health Care Safety Net Authorization bill, which was unanimously adopted by the Senate.

The purpose of the CAP program is spelled out in the Health Care Safety Net Authorization bill. Let me read from the Committee report.

The purpose is "to provide assistance to communities and to consortia of health care providers, in order to develop or strengthen an integrated health care delivery system that coordinates health services for individuals who are uninsured and individuals who are underinsured. And, to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions."

I believe these are goals and objectives that we must achieve, but eliminating CAP will make this impossible.

I understand the fiscal pressures facing Chairman SPECTER, and I believe he has done the best job possible. But we are facing a major health care crisis in this country. I know the important role CAP can play in working to address this crisis.

Washington State has four CAP grantees. They have worked hard to expand access to quality, comprehensive care for those who have no health care safety net outside of the emergency room.

Washington's CAP grantees are based in Spokane, Wenatchee, Olympia and Seattle. As I've met with our CAP grantees, they've shown me a glimpse into the future of affordable health care.

For example, almost a year ago, I visited the Odessa Brown Children's Clinic in Seattle. I saw a doctor, a dentist and a psychologist all in the same room, not just treating individual body parts, but treating the whole child in a comprehensive, compassionate way.

Today that project—known as "Kids Get Care"—is connecting more than 3,000 children to comprehensive health care.

These efforts are making a real difference for low-income families, and they need more investment, not elimination.

Our CAP grantees have worked to ensure that our increased investment in Community Health Centers reaps the greatest benefit possible.

They have worked with vulnerable populations to tear down all barriers to care—not just economic barriers. They have used this small investment to better served the uninsured.

We should be strengthening efforts like this—not eliminating them.

Currently, one in nine Washington residents is uninsured. With my State's ongoing economic crisis, demand will grow for programs that provide care for the uninsured.

We need to meet the immediate needs of families who today can only access care in the Emergency Room.

CAP provides the seed money that gives community health care providers the ability to serve those who have nowhere else to go.

I had considered offering an amendment to restore full funding for CAP.

However, because of the budgetary constraints, to secure the votes needed, I would have to cut other vital Labor, HHS and Education programs, many of which are already taking cuts.



Instead, I would like to yield to the chairman of the subcommittee for the purpose of engaging in a colloquy.

Chairman SPECTER, again let me stress my appreciation for your efforts. You have been given an almost impossible task.

The bottom line is our Subcommittee allocation for LHHS is simply not sufficient to meet the important priorities of labor, health care and education.

I know you did the best job possible, but I am asking for your support of CAP in conference.

When I raised this issue in the subcommittee markup, you indicated your willingness to work to ensure that this program is funded when the final bill emerges from conference.

Mr. SPECTER. It is true that we have not funded the Community Access Program. That program has traditionally been funded by the House, and let me assure you that it will be funded when we come out of conference. As the Senator from Washington is aware, the House passed LHHS Appropriations bill allocates a total of \$104.317 million for FY 2004 for the Community Access Program.

Mr. HARKIN. I want to echo the comments of my good friend from Pennsylvania and thank Senator MURRAY for bringing up this important issue. I, too, am very concerned by the President's elimination of this successful program. I look forward to working with Chairman SPECTER to restore funding in conference.

Mrs. MURRAY. I thank the chairman and ranking member of their support in conference, and as a conferee, I will continue to work with you to ensure the \$104.317 million in FY 2004 for the Community Access Program.

#### DISLOCATED WORKER AMENDMENT

Ms. CANTWELL. Mr. President, I rise to enter into a colloquy with the distinguished chairman and ranking member of the Subcommittee on Labor, Health and Human Services, Education. I came to the floor today to offer an amendment to increase dislocated worker formula funds in order to create new job training opportunities for dislocated workers.

Given the continued job losses nationwide, increasing funds to retrain workers is critical—both for workers and for the businesses that are hiring workers. Our national unemployment rate is now 6.1 percent, which is close to the highest it has been in 9 years. Since the recession started in January 2001, we have lost more than three million private sector jobs, and these job losses continue. In my State, Boeing announced over 600 layoffs in July. In August, it announced over 500 more. And it has plans to cut a total of 5,000 jobs nationally by the end of the year. These funds are clearly needed to get Americans back to work.

I am pleased that my colleagues and I have reached an agreement to include an additional \$25 million in this bill for the Dislocated Worker formula funds.

Clearly, I would have liked to secure additional funding, but recognize that the bill includes many worthy priorities and that funds are extremely tight. I look forward to working with the chairman and ranking member to secure this funding increase in the final version of the bill.

Mr. SPECTER. I thank the Senator from Washington for her comments. And I think she makes a good point about the important role the Senate can play in supporting the retraining of dislocated workers. The Senator is correct that we have agreed to include an additional \$25 million for the Dislocated Worker funding stream in the managers' amendment. I will fight to keep this funding in the conference committee bill.

Mr. HARKIN. I agree with the Senator from Washington that there is a great need for additional funds for dislocated workers. I will work with my colleagues to retain this increase of \$25 million for dislocated worker formula funds in the conference committee bill.

#### YMCA AND THE HEALTHY STEPS INITIATIVE

Mr. GREGG. Mr. President, I want to commend Mr. SPECTER and the committee for increasing funding for chronic disease prevention and control programs under the CDC. I especially want to thank him for the report language accompanying this bill that recognizes the important role that nonprofit organizations such as YMCAs and Jewish Community Centers play in providing millions of American youth comprehensive health and wellness programs designed to address risk behaviors such as physical inactivity, unhealthy diets, and tobacco use. Because only 25 percent of public schools are offering daily physical education programs, and it has fallen to community-based organizations like the Y to step in and implement health promotion and health education strategies and interventions designed to increase physical activity and foster good nutrition among school-aged children.

I also support the committee's efforts to ensure that private organizations like the YMCA and Jewish Community centers are eligible to receive funding as part of the Secretary's steps to a Healthier U.S. Initiative. It is essential that we begin to encourage after school physical activity programs that help reduce and prevent obesity.

As President Bush recently noted during a visit to the West Lake YMCA in Dallas to promote his Healthy Steps Initiative, "the YMCA is an integral part of a healthy America by encouraging our youngsters to exercise, to have fun, to get outside, to learn to eat good foods." I agree that national organizations, like the YMCA, that have a long history of serving youth and have the ability to assist state health and education departments in all 50 States, are perfectly positioned for the job of helping us develop and deliver model physical activity programs for elementary and secondary education students.

If we are going to quickly and efficiently make an impact on youth obe-

sity, resources need to be made available to organizations that: have a long-standing physical presence in our communities; have established and stable relationships with state and local health and education agencies; and are experienced in providing health and fitness programs to America's youth.

Mr. SPECTER. Mr. President, I thank the Senator from New Hampshire for his support for the subcommittee's efforts in this regard. We should all be concerned about the scourge of obesity among our Nation's youth, and I am committed to assisting the necessary partnerships and programs needed to reverse these devastating trends. Those efforts should include private organizations such as the YMCA to the extent possible and government at all levels should be working with such groups to develop and implement after school physical activity programs to reduce and prevent obesity. I am delighted to work with my colleague from New Hampshire to ensure that national nonprofit organization's like the YMCA and Jewish Community centers have an opportunity to play a leading role in helping achieve the President's goals for a healthier America.

Mr. HARKIN. Mr. President, I want to thank both of my distinguished colleagues, and I want to add my concern over the growing problem that obesity poses on the health of our Nation. Specifically the emphasis that it has had in the lives of our youth. Together we need to seek and work toward a solution.

Nonprofit organizations play a significant role in this battle to keep our Nation healthy. I look forward to working with my good friend and chairman of this subcommittee, Senator SPECTER, and my chairman on the authorizing committee on which I serve, Senator GREGG.

#### VACCINE STOCKPILE

Mr. SPECTER. I am glad to join Senator HARKIN in confirming our intent that the Vaccines for Children program funding in the Labor-HHS Appropriations bill be used in part to stockpile a 6-month supply of childhood vaccines. Only a year ago, doctors had to turn families away at the door because of national vaccine shortages for eight out of the eleven vaccine-preventable diseases. During the vaccine shortage, children became ill with pneumococcal meningitis and pneumonia, diseases that could have been prevented with an adequate supply of the pneumococcal vaccine. Fortunately, we have witnessed some significant progress since then, which is a credit to a collaborative effort by public health officials, vaccine manufacturers and providers. Shortages have stopped, and childhood vaccines for eleven different diseases are no longer being delayed.

Mr. HARKIN. During the crisis, the HELP Committee met on multiple occasions to study this important issue. I want to thank my friend from Pennsylvania and join him in affirming that it



was our intent to use funding in this bill to stockpile a 6-month supply of childhood vaccines. Despite the efforts of the committee and the collaborative effort by many others on this important public health issue, I understand that my home State of Iowa, like the rest of the Nation, only has a one-to-two month stockpile for some of the routinely recommended childhood vaccines. Senator REED, is it accurate to state that these shortages, temporarily alleviated, could return at any time?

Mr. REED. Yes, unfortunately, the General Accounting Office report confirmed that a pause in production for safety reasons could happen again and would have a critical and devastating impact on the ability to vaccinate children and adults. That is why I appreciated the administration's announced commitment to provide funds in the 2004 Budget for a vaccine stockpile. Senator CLINTON, how much funding does the administration plan to provide in Fiscal Year 2004 for a stockpile?

Mrs. CLINTON. The administration plans to provide \$124 million in fiscal year 2004 so that it can store a 6-month supply of childhood vaccines by 2006. I thank Senators SPECTER and HARKIN for affirming the administration's commitment to prevent further vaccine shortages by stockpiling a 6-month supply of childhood vaccines. Senators DEWINE and REED and I introduced the Childhood Vaccine Supply Act along with to strengthen and support the administration's authority in these efforts and assure that the stockpile includes adults as well as all children, who were affected by the tetanus-diphtheria toxoid shortage last year. Senator DEWINE, is a vaccine stockpile sufficient to prevent future shortages?

Mr. DEWINE. No. We also need an additional buffer because CDC acknowledges that it will take until 2006 before we can have a six-month stockpile of childhood vaccines. That is why I joined you and Senator REED in introducing the Childhood Vaccine Supply Act, which would provide a notification mechanism so that CDC can work with other manufacturers to maintain the vaccine supply when a manufacturer cannot produce an adequate supply of vaccine. Each of the four major vaccine producers has stated that they do not object to this sort of an advance notice provision. We have worked amicably with Senators FRIST, GREGG, and KENNEDY on both of these vaccine provisions. We have worked amicably with Senator FRIST on this issue and our vaccine provisions, and fully expect to continue working with this bipartisan group of Senators to accomplish the important goal of assuring safe vaccines for all children.

#### MENTORING

Mr. AKAKA. Mr. President, I rise to enter into a colloquy with colleagues who share my zeal for quality mentoring programs, Senators ALLEN and BEN NELSON, and the distinguished leaders on the Appropriations Subcommittee on Labor, Health and

Human Services, Education and Related Agencies. My concern is with the adequacy of the funding level for mentoring included in this bill today. For the two programs focused exclusively on mentoring, the Department of Education's Mentoring Programs grants and the Department of Health and Human Services' Mentoring for Children of Prisoners, the bill before us commits just \$38.6 million—well short of the President's request of \$150 million. I understand that limited resources are constraining the amounts we are able to provide for many programs, and I thank the chairman and ranking member for the increased they included in this bill for Mentoring Programs. But I do hope we can find some funding to further increase the allocation for mentoring.

I'm sure we can all remember an adult who made a difference for each of us growing up by spending time with us, encouraging us, and serving as a positive role model. That is exactly what mentoring is: a sustained relationship between a young person and an adult in which the adult provides support, guidance, and assistance to the young person. The benefits of a mentoring relationship are wide-ranging—including gains in educational achievement, health and safety, and social and emotional development.

We have some wonderful mentoring programs in Hawai'i, and they have an invaluable impact on young people throughout my State. One of these excellent examples has been the Senior Kupuna in the Preschools Project run by the Hawaii Intergenerational Network that has achieved meaningful results such as positive changes in classroom behavior. But these programs need additional funding to serve more young people.

I would like to work with the distinguished chairman and ranking member of the subcommittee to increase funding for mentoring in Conference to a level at least equal to the House allocation of \$75 million. Before I yield the floor to them, I am pleased to yield at this time to another strong advocate of mentoring programs, the former Governor of Virginia, Senator ALLEN.

Mr. ALLEN. Mr. President, I thank my colleague from Hawaii, Senator AKAKA, for his work on this important issue. I, too, strongly believe that mentoring is effective. Unfortunately, the need for mentors is so much greater than what is currently available. MENTOR/National Mentoring Partnership estimates, based on the latest US Census figures and risk factors for youth, that approximately 17.6 million young people could benefit greatly from a high-quality formal mentoring relationship with a caring adult. Of those young people who need mentors, an estimated 2.5 million are fortunate to be in formal, high-quality mentoring relationships. But that leaves more than 1.5 million young people in need of mentors, falling into a "mentoring gap."

The President has requested \$100 million for Mentoring Programs grants and \$50 million for Mentoring for Children of Prisoners as a strategic first step to closing that mentoring gap, and I want to recognize him for his leadership. Through a concentrated effort, we will be able to match thousands of new children with caring adults. But, that cannot happen unless we are able to increase the funding for mentoring in this appropriations bill.

Given the tight budget times we are facing, I appreciate the increase that the committee was able to provide for mentoring. However, I believe that we can do better in conference. I, too, would like to work with the chairman with the goal of matching or exceeding the House figure of \$75 million, even though it is still short of the President's request of \$150 million. I would like to conclude my remarks at this time and yield to a fellow former governor, the Senator from Nebraska, BEN NELSON.

Mr. NELSON. Mr. President, I begin by thanking my colleagues, Senators AKAKA and ALLEN, for their efforts toward ensuring that young people in this country are able to access valuable mentoring services.

As Governor, I helped the mentoring program TeamMates of Nebraska—which was started by former Nebraska football coach, now Congressman, TOM OSBORNE—expand statewide. From your personal experience, I know that, like any youth-development strategy, mentoring works best when measures are taken to ensure quality and effectiveness. Programs must carefully recruit, screen, and train prospective volunteers, and then support them throughout the duration of the mentoring relationship. Inadequate funding directly impacts a mentoring organization's ability to operate a high-quality program. I strongly believe that we should recede to the House numbers on mentoring, which would provide \$75 million to help match young people across the country with mentors.

I'd like to share a quote from a Nebraska mentee, Ean Garrett. Ean is a participant in the ProPal Plus Mentoring Program in Omaha, Nebraska, and these are his own words:

Mentoring shows us that we don't have to live day by day, that we live in a world full of opportunities. It teaches us that with imagination and a lot of hard work, we can go as far as we want. Mentoring helps us see that graduating from high school is not an option; it is a requirement. And mentoring helps us develop our skills so that we are successful well-rounded people who are major contributors to our community, our society, our country, the human race, and the world. Thanks to ProPal Plus and my mentor, the American dream is mine.

The chairman and ranking member have faced a lot of tough choices in crafting this bill, and I am pleased they were able to find an increase for mentoring. I do think Ean's words help us all understand why we must find more. I will end there and yield time to the distinguished chairman and ranking member.

Mr. SPECTER. Mr. President, I thank my colleagues from Hawai'i, Virginia, and Nebraska for raising this very important issue. I agree that the funding levels for Mentoring Programs and Mentoring for Children of Prisoners should be examined carefully in Conference. We have a great many wonderful mentoring programs throughout Pennsylvania that could use more funding in order to continue their good work with young people.

I applaud the three Senators in their goal that these two programs receive the \$75 million funding level proposed by the other body. I will work with them and my colleagues in the other body to try to achieve this goal during conference.

Mr. HARKIN. Mr. President, I echo the comments of my colleague from Pennsylvania. It has been proven time and again that kids act out the behaviors that are role modeled for them. That's why caring adult mentors can truly help transform the lives of young people. A substantial increase in federal funds for mentoring would provide a much-needed infusion of grant funding into the mentoring community in Iowa and across the nation. This funding is a wise investment in the future success of young people across this country.

Mr. AKAKA. I thank the chairman and the ranking member for their willingness to work with us on mentoring funding as this appropriations bill moves forward. It will make a big difference in many lives around the country.

#### FUNDING FOR HEALTH PROFESSIONS TRAINING

Mr. FRIST. Mr. President, I rise to engage the distinguished chairman and ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee in a colloquy.

I want to thank the chairman for the hard work he has put into crafting the Labor-HHS bill that is currently before us. I know that he faces many challenges in developing this important legislation every year, and I commend him for his leadership. As the chairman knows, I am a very strong supporter of Federal health professions training programs. These important programs administered by the Health Resources and Services Administration, HRSA, provide critical support to health professions institutions, facilities, students and communities throughout the country.

Support from these programs is particularly important to our Nation's historically black health professions schools. HRSA's Health Professions Training for Diversity Programs, including Minority Centers of Excellence, Health Careers Opportunities, Scholarships for Disadvantaged Students, and Faculty Loan Replacement, support those institutions with a historic commitment to training minorities in the health professions. Without support from these programs, many of our historically black health profes-

sions schools, including Meharry Medical College in my home State, would be unable to sustain their mission of training minorities for clinical careers in medically underserved areas.

The other programs that comprise the Health Professions Training cluster are equally important to ensuring that we meet our health professions workforce needs, particularly in the over 3,100 Federally Designated Health Professions Shortage Areas. Primary Care Medicine and Dentistry, Area Health Education Centers, Health Education and Training Centers, Allied Health, and other Title VII programs all play a critical role in our health care system. As we continue to work to expand access to quality health care for all Americans, I believe it is important that we support those existing Federal programs that make a difference.

I also recognize that these programs have not yet been formally reauthorized, and so I appreciate the chairman's continued support for funding these items. I look forward to working with him, Chairman GREGG and others to reauthorize these programs and to look for ways through the reauthorization process to improve performance measures and accountability.

I, again, thank the distinguished Senator from Pennsylvania and express my interest in working with him and our colleagues in the House to fully restore funding for all Health Professions Training Programs when the Labor-HHS bill gets to conference.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his comments and for his leadership on these very important issues. He has truly been a leader in this area, and he has consistently pushed for improvements in Federal programs to eliminate health disparities. In fact, he authored the Title VII and Title VIII Reauthorizations as chairman of the Senate Health, Education, Labor, and Pensions Committee's Public Health Subcommittee during the 105th Congress.

As he knows, our subcommittee has a long history of supporting HRSA's Health Professions Training programs. Senator HARKIN and I appreciate the contributions these programs make to our provider workforce through a variety of scholarships, loans, grants and contracts. Unfortunately, the allocation that was provided to the subcommittee for FY04 did not permit us to fully support these worthy initiatives. I agree with the majority leader that a restoration of funding for all health professions programs should be our goal in conference. I am pleased to commit to the majority leader that I will do all I can to fully restore funds for the four diversity programs and, at a minimum, bring funding for the other programs to the House level.

Mr. HARKIN. Mr. President, I want to commend both my chairman, Mr. SPECTER, and the majority leader for their support of the Health Professions programs. My home State of Iowa is

suffering from a severe shortage of health professionals. In a rural State, getting well-trained doctors, nurses, and health technicians is always a challenge. One of the biggest obstacles facing health professionals who want to come to rural areas is loan debt. Many of these professionals cannot afford to work in small town America. And that is truly a shame. That is why I am a long-standing supporter of the Health Professions training programs. These programs help to train American workers for good paying, steady jobs, while giving them the economic freedom to work in medically underserved areas—many times the most rewarding settings in which a health professional can work. I thank my colleagues for their commitment to these programs, and I look forward to working with Mr. SPECTER to try to restore this funding in conference.

Mr. REED. Mr. President, I also wish to express my appreciation to the chairman and ranking member for their longstanding commitment to HRSA Title VII Health Professions programs. I had planned to offer an amendment to increase funding for these critical programs to the House level. I will not offer this amendment with the understanding that this will be worked out in conference. I thank the managers of the bill and the Senate majority leader and look forward to working with them as this bill proceeds.

#### COMPREHENSIVE CANCER ACCOUNT SURVIVORSHIP PROGRAMS

Mr. REID. Mr. President, I want to commend Senators HARKIN and SPECTER for increasing funding for the CDC Chronic Disease Comprehensive Cancer Account by \$2.6 million in this bill, bringing the total funding for this account to \$12 million in FY 2004. Given the tight budget constraints we are facing this year, I am particularly appreciative of the increased funding they were able to provide for this important program.

The Comprehensive Cancer programs support public and private partnerships to reduce cancer incidence, morbidity, and mortality. These efforts are especially important to the growing number of cancer survivors and their families who are faced with a wide range of physical and emotional health complications after they have survived cancer. This is an especially critical issue for children.

According to the Institute of Medicine's National Cancer Policy Board, while childhood cancer was nearly always fatal before 1970, 78 percent of patients today survive at least 5 years. While this statistic represents a welcome trend and is a major victory against cancer, it raises new issues that need to be addressed.

Cancer survivors, especially children, are oftentimes plagued with neurological impairments, heart and lung problems, growth and fertility disorders, and psychological stresses caused by treatment, complications of the cancer, or both.

Over the past 3 years, 16 children in the small community of Fallon, NV, have been diagnosed with a rare form of leukemia. Sadly, three of these children have since lost their battle with cancer. However, thanks to chemotherapy and other promising treatments, many of these children have shown tremendous progress and we are hopeful that they will make full recoveries.

While we are focused and doing everything we can to ensure that the children in Fallon make full recoveries, we cannot stop there. We need to have support programs to ensure that these children—and cancer survivors around the country—receive the support and care they need and deserve.

According to the IOM policy board, up to 60 percent of survivors do not receive coordinated follow-up care at specialized clinics, which are best suited for treating long-term medical and psychosocial needs. Moreover, pediatric oncologists are trained to battle the cancers, but few are prepared to treat the chronic medical conditions that can follow.

A recent assessment of all the existing comprehensive cancer control programs showed that while all States were doing something with regard to cancer survivorship, there was no uniform, coordinated approach. The CDC, in coordination with this country's leading cancer survivorship organizations, have started a year long planning process to develop a National Public Health Action Plan on Cancer Survivorship. This plan will chart the course for the implementation of cancer survivorship activities into State comprehensive control programs, State cancer registries and other public health functions, which will be available this winter for States to use.

We cannot afford to stay behind the curve on this issue, which will surely become an even bigger problem as NIH research continues to improve treatments. Providing increased funding to the Comprehensive Cancer Account will not only ensure that adequate funds are available to disseminate the new survivorship plan to all States, but also ensure that States will have the appropriate resources to implement the plans.

Mr. HARKIN. Mr. President, I share Senator REID's support for the CDC's Chronic Disease Comprehensive Cancer program. As someone who has dedicated a good deal of my career to advancing treatment and services for people with cancer, I especially appreciate the importance of this program. Having lost my two sisters and my brother to cancer, I consider myself a cancer survivor and know too well the toll this disease takes on everyone. We are under very tight budget constraints this year, but we need to support the highest possible funding level for comprehensive cancer in conference so we can ensure every cancer survivor has access to the necessary and appropriate care before, during, and after cancer touches their life.

Mr. SPECTER. Mr. President, I thank the Senator from Nevada for raising this important issue. As he pointed out, the lack of a uniform and comprehensive cancer survivorship plan is becoming a critical public health issue for the millions of cancer survivors and their families and friends. That is why I worked with my close friend Senator HARKIN to secure increased funding for this program. Like so many public health programs, especially within the Chronic Disease Account, there is a lot more that can and should be done. I will work with my friend from Nevada and the conferees to secure the highest possible funding level for comprehensive cancer programs.

Mr. REID. I thank the chair and ranking member for their support for this effort, and I look forward to working with them to secure the highest possible funding level for the Comprehensive Cancer Account and the cancer survivorship programs it supports.

#### ADEQUATE FUNDING FOR MEDICARE CONTRACTORS

Mr. HOLLINGS. Mr. President, I rise to engage in a colloquy with the distinguished chairman and ranking member of the Labor-HHS-Education Appropriations Subcommittee. As the Senators know, Medicare contractors play a critical role, partnering with the Federal Government to administer the Medicare program. This year, these contractors will process over one billion Medicare claims; they are the primary point of contact for beneficiaries and providers and provide the first line of defense against Medicare fraud. They are very efficient, with contractors' administrative costs representing less than 1 percent of total Medicare benefits.

While the subcommittee has done its best to provide needed funding for Medicare contractors over the years, the fact exists that CMS and its Medicare contractors have been severely underfunded for years. The problem has been more acute since the mid-to-late 1990s with the enactment of new Medicare laws placing additional responsibilities with insufficient resources to perform these new duties, e.g., HIPAA, BBA '97, BBRA '99, BIPA 2000. Clearly funding has not kept pace with additional work.

The pending Medicare reform legislation, S. 1, if enacted, will exacerbate funding problems for Medicare contractors. Hundreds of changes are made that will require more work by contractors, such as system changes to adjust provider payments, expedited appeals processes and new coverage requirements.

I know that the chairman and ranking member share my concern that Medicare contractors receive adequate funding. The budget constraints we face resulted in an insufficient 1.6 percent increase for Medicare contractor operations, even though claims volume is expected to rise 11 percent. The

Medicare Integrity Program, MIP, which provides contractors with dedicated funding for critical fraud and abuse detection activities, is not increased at all. Further, the money we provide does not account for any of the new responsibilities contractors will face if Medicare reform is enacted.

I am concerned that inadequate funding would be devastating to the administration of Medicare and the safeguarding of the Medicare trust fund. Those that will feel the impact most are Medicare beneficiaries and the providers that care for them.

I am told that if funding is not increased to an adequate level, many Medicare contractors would have to reduce staff levels and eliminate certain beneficiary and provider outreach activities. Since claims must be paid, the result will be decreased customer service to beneficiaries and providers. I'm certain we'll hear from our constituents when they are faced with busy phone lines, longer wait times for questions to be answered, reduced provider training on how to properly submit a claim leading to the submission and potential payment of improper claims.

I ask the Senators from Pennsylvania and Iowa to work with me to ensure that Medicare contractors receive increased funding within the available amounts appropriated in the bill. This is particularly critical if Medicare reform is enacted.

Mr. HARKIN. I appreciate my friend from South Carolina's remarks and I, too, share your concerns. I'd like to point out that the Medicare Integrity Program has had a significant impact on reducing waste, fraud, and abuse in Medicare. In fact, for every \$1 spent fighting fraud and abuse through MIP activities, Medicare contractors save the government \$14. I understand that MIP is now capped at \$720 million despite continuing projected increases in claims volume. Therefore Congress must authorize an increase in this permanent funding authority. I'd like us to work with the authorizing committee to increase MIP funding beyond FY 2003 to ensure it meets the demands of rising workloads and to appropriately safeguard the Medicare trust fund.

Mr. SPECTER. I thank the distinguished Senators from South Carolina and Iowa. The Senate Appropriations Committee approved \$2,496,889,000 for Medicare operations, the full amount of the President's budget request and an increase of \$110,209,000 over the FY 2003 level. I share your concerns that beneficiaries and providers receive the highest level of service by adequately funding Medicare contractors. We also must ensure that the trust fund is protected by adequately funding MIP.

I thank the Senator from South Carolina and the ranking member of the subcommittee for raising these important issues, and I offer my commitment to work with you both to provide

Medicare contractors with the resources needed to best serve beneficiaries and providers as well as encourage this Congress to authorize an increase in the MIP funding so that we may appropriate those critically needed dollars.

Mrs. MURRAY. Mr. President, my amendment helps States implement the No Child Left Behind Act by providing \$80 million for high quality data systems. I was proud to create this program as part of our reauthorization of the Institute of Education Sciences last year because I saw a real need to help States do this right. Requiring lots of testing only has a benefit to our students if the results of those tests are used to help teachers focus their teaching on weak spots and to help superintendents, principals and policymakers direct resources where they are needed most.

Funding these data systems with this amendment will make sure that the testing and attendance data required by No Child Left Behind are put to good use. Frankly, when I come down here to the Senate floor I usually prefer to talk about students, teachers and parents—not data systems. But it is clear to me that funding these data systems will do a lot more than buy computers and pay programmers. When I wrote this program I worked closely with the Harvard Civil Rights Project. They also see the danger to students—mostly poor and minority students—if no one is keeping track of what's happening to them.

All the new testing and accountability required in No Child Left Behind creates a real risk that kids who are having trouble passing those tests will drop out or be pushed out of school. The newspapers have been filled in recent months with stories of these so-called "pushouts"—students who are discouraged from completing school because their test scores are low and threaten the school's "adequate yearly progress."

The focus on this new phenomenon has raised serious questions about the "Texas Miracle" by pointing out the large numbers of students who are simply disappearing from our school systems. In July, the Houston Chronicle ran an article celebrating a new system—funded through a Federal grant—that is helping educators in Houston keep kids in school. They are using a data system to help lower their dropout rate, and they are definitely not the only ones who need help to do that. The high quality, longitudinal, statewide data systems that this amendment would help build are one of the best tools we have to keep kids in school.

Information is a powerful tool, and only by knowing which students are not showing up can our schools make an effort to find those students and help them. There are a lot of challenges today to keeping our teenagers in school, and I am not saying that data systems are the only answer. In

fact, I have introduced a whole bill focused on literacy and counseling and school reform to address many of the issues contributing to high dropout rates. But I know that funding these data systems can make a difference.

Over the last few years I have secured funds to help Washington State develop a data system that will truly support the mission of leaving no child behind by ensuring that every child is counted. The work they have done to develop a high-quality, statewide system is really impressive, and I know that they and other States across our country need this funding to make that possible.

I'd like to thank the Senators from New Hampshire and Nevada for working with me to fund this program. You can see that this is not a partisan issue. We need to pass this amendment and provide this funding to give States a critical tool to implement the No Child Left Behind Act. I hope my colleagues will join me in supporting funding for this program.

I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, July 30, 2003]  
TOOL TRACKS POTENTIAL DROPOUTS; PROFILER SOFTWARE LETS HISD KEEP TABS ON AT-RISK STUDENTS

(By Zanto Peabody)

The Houston school district has a high-tech new way to keep high school dropouts—by catching them before they leave.

With a new computer database available at every campus this fall, teachers can keep a virtual eye on every student and identify those at risk of leaving. For the first time, educators can look up a student's attendance and discipline records, immigration status, grades, and test scores at one source and use that information to predict dropouts.

"All students will know someone is watching them, tracking them, and is interested in their success," school board member Laurie Bricker said at a news conference Wednesday.

Houston Independent School District has been developing the PASS software—the Profiler for Academic Success of Students—for more than three years, Chief Academic Officer Robert Stockwell said, but recent events have underscored the need for it.

Starting with an investigation of possible dropout-reporting fraud at Sharpstown High School and culminating with a state audit that may lower the district's accountability rating, HISD has come to know how badly it handles some student data.

"The dropout issue is a key battleground for our future," Stockwell said. "We must keep these students in school and learning. Failure is not an option."

The Sharpstown investigation showed that employee can and have changed student records to reflect lower dropout rates. The state investigation and one by a district task force exposed computer records managed so badly that the district has no way of knowing where students have gone.

In an attempt to escape Texas Education Agency sanctions, HISD has promised to monitor students at risk of quitting. District officials also are considering a plan to assign an adult to each at-risk student.

Lee High School Principal Steve Amstutz said the newest version of the PASS program

will make that task easier. During a demonstration of the program, Amstutz was able to determine which fictional students were likely dropout candidates—students who missed too many days recently or whose grades dropped suddenly.

"In the past, that would have taken a small army of people looking through obscure records," Amstutz said.

HISD Chief Business Officer Cathy Minberg said the district developed its own program, using a \$1.1 million federal grant, because no other school in the nation has such a comprehensive way of tracking students.

THE "ZERO DROPOUT" MIRACLE: ALAS! ALACK!  
A TEXAS TALL TALE

(By Michael Winerip)

HOUSTON, Aug. 13.—Robert Kimball, an assistant principal at Sharpstown High School, sat smack in the middle of the "Texas miracle." His poor, mostly minority high school of 1,650 students had a freshman class of 1,000 that dwindled to fewer than 300 students by senior year. And yet—and this is the miracle—not one dropout to report!

Nor was zero an unusual dropout rate in this school district that both President Bush and Secretary of Education Rod Paige have held up as the national showcase for accountability and the model for the federal No Child Left Behind law. Westside High here had 2,308 students and no reported dropouts; Wheatley High 731 students, no dropouts. A dozen of the city's poorest schools reported dropout rates under 1 percent.

Now, Dr. Kimball has witnessed many amazing things in his 58 years. Before he was an educator, he spent 24 years in the Army, fighting in Vietnam, rising to the rank of lieutenant colonel and touring the world. But never had he seen an urban high school with no dropouts. "Impossible," he said. "Someone will get pregnant, go to jail, get killed." Elsewhere in the nation, urban high schools report dropout rates of 20 percent to 40 percent.

A miracle? "A fantasy land," said Dr. Kimball. "They want the data to look wonderful and exciting. They don't tell you how to do it; they just say, 'Do it.'" In February, with the help of Dr. Kimball, the local television station KHOU broke the news that Sharpstown High had falsified its dropout data. That led to a state audit of 16 Houston schools, which found that of 5,500 teenagers surveyed who had left school, 3,000 should have been counted as dropouts but were not. Last week, the state appointed a monitor to oversee the district's data collection and downgraded 14 audited schools to the state's lowest rating.

Not very miraculous sounding, but here is the intriguing question: How did it get to the point that veteran principals felt they could actually claim zero dropouts? "You need to understand the atmosphere in Houston," Dr. Kimball said. "People are afraid. The superintendent has frequent meetings with principals. Before they go in, the principals are really, really scared. Panicky. They have to make their numbers."

Pressure? Some compare it to working under the old Soviet system of five-year plans. In January, just before the scandal broke, Abelardo Saavedra, deputy superintendent, unveiled Houston's latest mandates for the new year. "The districtwide student attendance rate will increase from 94.6 percent to 95 percent," he wrote. "The districtwide annual dropout rate will decrease from 1.5 percent to 1.3 percent."

Droputs are notoriously difficult to track, particularly at a heavily Latino school like Sharpstown, with immigrants going back and forth to Mexico. Dr. Kimball said that

Sharpstown shared one truant officer with several schools. Even so, Houston officials would not allow principals to write that the whereabouts of a departed student were "unknown." Last fall, Margaret Stroud, deputy superintendent, sent a memorandum warning principals to "make sure that you do not have any students coded '99,' whereabouts unknown." Too many "unknowns," she wrote, could prompt a state audit—the last thing Houston leaders wanted.

A shortage of resources to track departing students? No "unknowns" allowed? What to do? "Make it up," Dr. Kimball said. "The principals who survive are the yes men."

As for those who fail to make their numbers, it is termination time, one of many innovations championed by Dr. Paige as superintendent here from 1994 to 2001. He got rid of tenure for principals and mandated that they sign one-year contracts that allowed dismissal "without cause" and without a hearing.

On the other hand, for principals who make their numbers, it is bonus time. Principals can earn a \$5,000 bonus, district administrators up to \$20,000. At Sharpstown High alone, Dr. Kimball said, \$75,000 in bonus money was issued last year, before the fictitious numbers were exposed.

Dr. Paige's spokesman, Dan Langan, referred dropout questions to Houston officials, but said that the secretary was proud of the accountability system he established here, that it got results and that principals freely signed those contracts.

Terry Abbott, a Houston district spokesman, agreed that both Dr. Paige and the current superintendent, Kaye Stripling, pressured principals to make district goals. "Secretary Paige said, and rightfully so, the public has a right to expect us to get this job done," Mr. Abbott said. The principals were not cowed, he said, declaring, "They thrive on it." Every administrator under Dr. Paige and Dr. Stripling, Mr. Abbott said, has understood "failure is not an option" and "that failure to do our jobs can mean that we could lose those jobs—and that's exactly the way it should be."

As for adequate resources for truant officers to verify dropouts, he said individual schools decided how to use their resources, but added, "money is not the problem, and money by itself won't solve the issues we deal with every day."

To skeptics like Dr. Kimball, the parallels to No Child Left Behind are depressing. The federal law mandates that every child in America pass reading and math proficiency tests by 2004—a goal many educators believe is as impossible as zero dropouts. And like Houston's dropout program, President Bush's education budget has been criticized as an underfinanced mandate, proposing \$12 billion this year for Title I, \$6 billion below what the No Child Left Behind law permits. "This isn't about educating children," Dr. Kimball said. "It's about public relations."

If Houston officials were interested in accountability, he said, they would assign him to a high school to monitor the dropout data that he has come to understand so well. Instead, after he blew the whistle on Sharpstown High, he was reassigned, for four months, to sit in a windowless room with no work to do. More recently, he has been serving as the second assistant principal at a primary school, where, he said, he is not really needed. "I expect when my contract is up next January, I'll be fired," he said. "That's how it works here."

Mr. WARNER. Mr. President, in our efforts to ensure that the United States remains an economic and military superpower in the 21st century, we must strive to improve the quality of

math and science education in this country.

The No Child Left Behind Act took some major steps in the right direction towards improving math and science education at the K-12 level.

However, our work is not done. The Federal Government is not doing enough at the higher education level to ensure that our Nation's colleges and universities are producing graduates to meet our country's national security needs.

This is evidenced by the fact that legislation was signed into law by President Clinton in 2000 to allow America's employers to bring into this country almost 200,000 highly skilled foreign workers a year through the H-1B visa program. America's employers needed these highly skilled workers to fill job vacancies in high tech, engineering, science and other highly skilled positions.

Why couldn't we fill these almost 200,000 job vacancies a year with American workers? Because this country's educational system was not producing enough graduates with degrees in these highly skilled fields to meet the demand.

Admittedly, not long after this legislation was signed into law, America's economy was hit by a decline, and this decline was greatly exacerbated with the events of September 11. But our economy is bouncing back.

Regardless, we must not forget the lessons learned on September 11. One of the clearest messages was that we live in a dangerous and ever-changing world.

Our world is much more dangerous today in many aspects than it was when I served this country with brief tours of duty in World War II and the Korean War.

While citizens of this country sleep each night, the other half of the world is thinking and contriving of every possible way to take the business and the economy from the United States of America. In addition, while we are sleeping, people all over the world are trying to figure out how to come and take our security and our freedom away from us.

Once there was a great ocean that protected this nation. Now, with cyberspace, and all the other modern technologies it is simply one world in economy, one world in national security.

Our country must continually be prepared to meet these threats.

One way we can ensure that we are prepared to meet these ever-changing 21st century threats is to ensure that America's young minds gain the technical expertise necessary to understand and defend against these threats.

Now, I love Shakespeare. I love theater. I love music, and I love political science, sociology and a lot of the liberal arts disciplines. Majors in these disciplines are important to a well-rounded and enlightened citizenry.

However, I also love this country, and I love freedom. Unfortunately,

today, our institutions of higher learning are not producing enough graduates with degrees in the requisite scientific programs to meet our country's future national security needs. If this continues, how will we defend our Nation and defend freedom? Will we rely more heavily on importing highly skilled workers than we have in the past?

To ensure our country's role in the future, we must look within our borders to meet these needs.

Unfortunately, today, a look inside our borders shows that this country is facing a dire shortage of math, science, and engineering students. According to the National Science Foundation (NSF), the engineering, mathematics, and science fields show declining numbers of degrees.

Over the last 20 years, there has been a 20 percent decrease in the number of people receiving bachelors' degrees in engineering.

Moreover, during roughly the same time, the number of students graduating with bachelors in physics has dropped by nearly 20 percent, and the number graduating with a bachelors in mathematics has decreased more than 25 percent.

While the U.S. produces fewer and fewer mathematicians, scientists, and engineers, the rest of the world is making up the difference. And, America is importing them. We are grateful for their willingness to come to our shores and share their exceptional talents.

America, however, must now take steps to encourage, at all levels of our educational process, young people to undertake the training necessary to meet our Nation's demands.

There is no doubt the course work is rigorous, particularly the long hours in the laboratory. I learned firsthand the rigors involved in earning an engineering degree because as a consequence of my military service, I was privileged to receive from my great Nation GI bill education benefits. Without these benefits, I would not have earned my engineering degree and would not have achieved my career goals.

However, given the rigors, and given the great need for graduates with backgrounds in scientific courses of study, it is an absolute necessity for the Congress to help in every way to inspire and reward America's youth to pursue scientific courses of study.

Accordingly, I have submitted an amendment to this bill to encourage individuals to pursue programs of study in math, science, and engineering.

The amendment is simple. It simply provides that the maximum Pell Grant award an individual can receive will be increased by 50 percent if he or she pursues a program of study in math, science, or engineering.

As you know, the Pell Grant program, which is funded at about \$12 billion a year, is one of the most successful and respected educational initiatives taken by the Congress. The concept behind the Pell Grant properly

recognizes the needs of young people coming from economic backgrounds which make it difficult for them to acquire higher education.

Nevertheless, we in the Congress have an obligation when expending taxpayer money, to do so in a manner that meets our Nation's needs. Our Nation desperately needs more trained students in math, science, and engineering. That is an indisputable objective.

The Pell Grant program, in my judgment, offers Congress the opportunity to provide incentives for student recipients to pursue curricula in math, science, and engineering.

My Pell Grant amendment is one idea, but I am certain it is not the only idea. As a member of the Senate's Education Committee, I hope that my chairman, Senator GREGG, will schedule hearings as part of the reauthorization of the Higher Education Act to look into our system of higher education and whether this country is on track to produce graduates who meet the current and projected needs of this country.

At this time, I will not offer my amendment in order to give the Education Committee a sufficient opportunity to address this issue.

At some time in this Congress, though, I fully intend to reintroduce an amendment along these lines after the committee has reviewed the issues, after I get the views of the administration, and after the wide range of people who on a daily basis review the Pell Grant program have an opportunity to share their views as well.

Mr. SPECTER. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the next vote will be the last vote of the week. Tomorrow morning, the Senate will convene at 8:30 in order to recognize the second anniversary of the September 11 tragedy. Throughout tomorrow, there will be various events to honor those who perished on that date 2 years ago. Tomorrow morning, there will be four different moments of silence which will begin with the ringing of a bell just outside the Chamber doors. Members are welcome to come to the floor tomorrow morning to participate and give remarks if they choose.

We will also conduct business during tomorrow's session. However, any roll-call votes ordered on Thursday or Friday will be scheduled to occur on Monday. I thank all Members.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I now ask unanimous consent that the Senate insist on its amendment to H.R. 2660, request a conference with the House of Representatives on the disagreeing votes thereon, and that the

Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. This is following passage of the bill.

Is there objection?

Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Oregon (Mr. SMITH) are absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—94

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Corzine	Landrieu	Voinovich
Craig	Lautenberg	Warner
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lincoln	

NOT VOTING—6

Edwards	Kerry	Smith
Graham (FL)	Lieberman	Sununu

The bill (H.R. 2660), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

The Presiding Officer (Mr. COLEMAN) appointed Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUE, Mr. REID, Mr. KOHL,

Mrs. MURRAY, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

# MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators speaking up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRAGIC DEATH OF ARTHUR C. HELTON

Mr. KENNEDY. Mr. President, all of us who knew and worked with Arthur Helton lost a dedicated friend, impassioned human rights activist, and inspiring humanitarian in the bombing of the U.N. headquarters in Iraq last month. I extend my heartfelt sympathy to Arthur's wife Jacqueline and their family during this difficult time. His never-failing spirit, his unique dedication, and his selfless and compassionate approach to all he did will be profoundly missed.

Arthur Helton's extraordinary commitments to human rights and to those in need constantly shone through in the caring and courageous life he led, and will continue to do so in the legacy he leaves behind. At the time of his death, he was attending a meeting with the United Nations envoy to Iraq on ways to improve the plight of the Iraqi people in the wake of the war and condition in which they live.

Throughout his brilliant career, Arthur was always an advocate in the forefront of the ongoing struggle for refugee and human rights, and it is no surprise that he was there at the heart of the action in Iraq at that tragic moment when the guerrillas and terrorists made their murderous move.

As an attorney with the Lawyers Committee for Human Rights, Arthur came to the aid of 2000 Haitian refugees detained in Florida in 1982, obtaining their release and finding volunteer attorneys for each of them. Most recently, he held the position of Director of Peace and Conflict Studies at the Council on Foreign Relations in New York City. There was no limit to his vision. The beautiful life he lived was always an inspiration to all of us who care about respect for human rights in every land on earth.

Time and again, Arthur Helton gave to all of us in Congress invaluable advice on these all-important issues. We were always amazed by his dedication and his expertise, and we were grateful for the unfailing wisdom of his counsel. His death in Baghdad is a great loss for all of us, and for the cause of refugee and human rights he served so passionately and well.

I ask unanimous consent to print in the RECORD the following commentaries on the life of Arthur C. Helton.